



Enacted Law Digest

*A Summary of Laws Enacted and
Resolves and Joint Orders Passed by
The 120th Maine Legislature*

*State of Maine
120th Legislature
Second Regular Session*

May 2002

*Prepared by the
Office of Policy and Legal Analysis and the
Office of Fiscal and Program Review
Maine Legislature*

*under the auspices of the
Legislative Council*



Maine State Legislature

Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

120th Maine Legislature Second Regular Session

Digest of laws, resolves and certain joint orders that were enacted or passed

This digest of legislative documents and papers contains a brief summary of all public laws, private and special laws, resolves and certain joint orders enacted or passed by the 120th Maine Legislature during its Second Regular Session. It is intended for general reference by legislators, legislative staff, agency officials and members of the public. The summaries in this digest should not be used as the basis for legal interpretation nor should they be used to determine legislative intent. Refer to the actual relevant law, resolve or order itself for exact language and more detailed information.

This digest is organized into broad policy areas corresponding to the jurisdiction of joint standing committees of the Legislature which consider and report to the full Legislature on pending legislative documents and some House and Senate papers. A summary is provided for each legislative document or paper that was referred to committee and subsequently passed or enacted into law. In a few cases documents and papers were not referred to a committee prior to enactment. In those instances, summaries have been placed in the most closely related policy area. Two indices are included at the back of the digest.

Each policy area is divided into up to five parts depending on the type of document or paper being summarized: enacted public laws; enacted private and special laws; finally passed resolves; finally passed constitutional resolutions; and joint orders that were passed. Within each part, the summaries are listed by chapter number except for joint orders which are arranged by their House or Senate paper number. The passed joint orders included in this digest are those that establish a legislative study commission or task force.

The summary of each enacted or passed legislative document includes the chapter number, title, LD number (for bills and resolves) or House or Senate paper number and title (for joint orders), a summary of the enacted bill, resolve or order and the effective date of any emergency legislation. Non-emergency legislation takes effect on July 25, 2002 unless a later date is specified in the legislation. Joint Orders take effect when passed.

If you have any questions, please contact the Office of Policy and Legal Analysis at 287-1670 or the Office of Fiscal and Program Review at 287-1635.

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Agriculture, Conservation and Forestry

PUBLIC 497

An Act to Amend the Integrated Pest Management Laws

LD 1918

Sponsor(s)
KNEELAND
MCKEE

Committee Report
OTP-AM

Amendments Adopted
S-413

Public Law 2001, chapter 497 establishes the Integrated Pest Management Council to facilitate, promote, expand and enhance the adoption of integrated pest management in the State. It prohibits the deposit of General Fund money into the Integrated Pest Management Fund.

PUBLIC 498

An Act to Amend the Laws Governing Pesticide Control to Increase the Pesticide Product Registration Fee

LD 1953

Sponsor(s)
LUNDEEN
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-797

Public Law 2001, chapter 498 increases the annual pesticide registration fee from \$105 to \$115 per product, beginning in calendar year 2003.

PUBLIC 547

An Act to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines

LD 1855

Sponsor(s)
NUTTING J
GOOLEY

Committee Report
OTP-AM

Amendments Adopted
S-446

Public Law 2001, chapter 547 authorizes the Director of the Maine Forest Service to adopt rules to establish quarantines when a disease or insect infestation threatens forest trees or shade trees. It allows the director to order the destruction of trees and plant materials. It requires the director to consult with the landowner and owner of stumpage rights prior to ordering the destruction of condemned material.

PUBLIC 564

An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine

LD 2097

Sponsor(s)

Committee Report
OTP-AM MAJ
OTP-AM MIN

Amendments Adopted
H-889

Public Law 2001, chapter 564 requires a person submitting a proposal for funding from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund to provide information on the anticipated management of the property for the 10 year period following acquisition and costs associated with the management of the property and monitoring for compliance with easements acquired.

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It requires the Director of the Bureau of Forestry within the Department of Conservation to include information on changes in ownership of forest land and parcel size in the biennial state of the forest report using information available from the Department of Administrative and Financial Services, Bureau of Revenue Services and information reported to the bureau by municipalities.

It requires the Bureau of Revenue Services to report on land transfers of parcels 10,000 acres and greater in the unorganized territory. It requires the State Tax Assessor to report annually to the Bureau of Forestry on the number of parcels in the unorganized territory taxed under the Maine Tree Growth Tax Law with a breakdown by parcel size categories.

It requires the State Tax Assessor to report annually on the number of landowners owning 500 acres or more of commercial forestland, including a breakdown of the number of landowners by acreage categories.

PUBLIC 572 An Act to Amend the Animal Health and Disease Control Laws LD 1965

Sponsor(s) KILKELLY CARR	Committee Report OTP-AM	Amendments Adopted S-470
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Public Law 2001, chapter 572 revises and updates the provisions for controlling and monitoring diseases affecting livestock and poultry. It establishes civil penalties for violations that prior to enactment of this law were criminal offenses. It enacts a provision for a Class D crime when a disease or pathogen is intentionally, knowingly or recklessly introduced to livestock or poultry. It amends the provisions governing licensing of livestock and poultry dealers, operation of domesticated deer farms and issuance of permits for livestock and poultry auctions.

PUBLIC 594 An Act to Authorize County Extension Building Associations to Borrow Money LD 2111

Sponsor(s) SKOGLUND KILKELLY	Committee Report OTP-AM	Amendments Adopted H-943 H-969 MCKEE
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Public Law 2002, chapter 594 authorizes a county extension building association to borrow money and clarifies that building associations have tax exempt status.

PUBLIC 603 An Act to Address Liquidation Harvesting LD 1920

Sponsor(s) KILKELLY NASS	Committee Report OTP-AM	Amendments Adopted S-488
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Public Law 2001, chapter 603 requires a landowner harvesting land enrolled under the Tree Growth Tax Law to include on the harvest notification form a statement that the harvest is consistent with the

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forest management and harvest plan. It clarifies that a change of land use indicated on a harvest notification form constitutes a withdrawal from taxation under the Tree Growth Tax Law. It requires the Director of the Bureau of Forestry to notify tax assessors of actions requiring changes in status under the Maine Tree Growth Tax Law.

It requires a person who buys land taxed under Tree Growth Tax Law to file a statement indicating that a new forest management and harvest plan has been prepared or a statement from a licensed forester that the land is being managed in accordance with the plan prepared for the previous owner. It requires one of the 2 statements to be filed within one year of the land transfer. A new landowner is prohibited from harvesting prior to filing the statement. It makes it a civil violation to provide inaccurate information on a harvest notification form.

It authorizes the Bureau of Forestry to provide assistance to a municipal assessor or the State Tax Assessor in evaluating management plans and determining compliance with a plan. It specifically states that, upon request, a landowner must allow a tax assessor to see a copy of a forest management and harvest plan prepared for land enrolled under the Maine Tree Growth Tax Law and states that the plan is confidential and not a public record. When the assessor requests assistance of the Bureau of Forestry, the plan must also be available to the Director of the Bureau of Forestry or the director's designee.

It directs the Bureau of Forestry to provide information on the practice of liquidation harvesting in its biennial report to the joint standing committee of the Legislature having jurisdiction over forestry matters and to provide the joint standing committee of the Legislature having jurisdiction over tax matters with copies of the 2003 report on the state of the State's forests.

PUBLIC 604 An Act Concerning Rules of the Bureau of Parks and Lands

LD 1922

Sponsor(s) KILKELLY CARR	Committee Report OTP-AM	Amendments Adopted S-480
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Public Law 2001, chapter 604 consolidates rule-making authority for facilities and lands under the Department of Conservation, Bureau of Parks and Lands' general authority. It establishes that violations of rules adopted by the bureau are civil violations. It designates certain actions within the jurisdiction of the bureau as Class E crimes. It clarifies that the Director of the Bureau of Parks and Lands may authorize employees to issue summonses or to make arrests. It requires the Director to notify the joint standing committee having jurisdiction over parks and lands prior to adopting a policy authorizing employees to make arrests.

PUBLIC 617 An Act to Amend the Animal Welfare Laws and Increase Funding for Animal Welfare

LD 2141

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-963
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Public Law 2001, chapter 617 clarifies that the courts must pay to the towns fines and forfeitures imposed for violations of the Maine Revised Statutes, Title 7, Part 9 and the municipal clerk must

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deposit the money in the town's animal welfare account. It imposes a surcharge of \$10 on forfeitures for civil violations of the animal welfare laws. It imposes a surcharge of 10% on fines for criminal violations of the animal welfare laws. The surcharge must be deposited in the state Animal Welfare Fund. It allocates from the Animal Welfare Fund to fund 2 District Humane Agents and a Veterinarian positions. It eliminates funding for 4 of the 7 Intermittent State Humane Agents.

PUBLIC 668 An Act to Amend the Pulling Events Laws **EMERGENCY**

LD 1951

Sponsor(s)	Committee Report	Amendments Adopted
PINEAU	OTP-AM	H-898
KNEELAND		S-571 GOLDTHWAIT

Public Law 2001, chapter 668 provides a new fee structure for permits to conduct pulling events and requires that the fees be deposited in a nonlapsing account. It removes the reference in statute to a specific type of tape for a goad stick. It provides for one member of the Pull Events Commission to be appointed by the Animal Welfare Advisory Council. It clarifies the reporting process and enforcement actions for violations of the laws and rules governing pulling events. Chapter 668 was enacted as emergency legislation with an effective date of April 11, 2002.

Public Law 2001, chapter 668 was enacted as an emergency measure effective April 11, 2002.

P & S 58 An Act to Clarify the Status of Henderson Brook Bridge

LD 1905

Sponsor(s)	Committee Report	Amendments Adopted
MICHAUD MH	OTP-AM	S-471
BRUNO		

Private and Special Law 2001, chapter 58 allows Henderson Brook Bridge to remain and be repaired pending the Department of Conservation's review of its 1999 Allagash Wilderness Waterway Management Plan. If, upon completion of the review, the department concludes that the bridge should not remain in use, the department must report that decision to the Legislature.

P & S 74 An Act to Support Family Farms

LD 1516

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	OTP-AM MAJ	S-424
MCKEE	ONTP MIN	S-581 GOLDTHWAIT

Private and Special Law 2001, chapter 74 appropriates funds to establish a 25 hours-per-week Senior Planner position within the Department of Agriculture, Food and Rural Resources. The Senior Planner will provide financial and estate planning to farmers, and outreach and assistance in bringing agricultural projects before the Land for Maine's Future Board. This additional position will also provide resources to the department to establish baseline information on farmland values. Chapter 74

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also provides funding for dues for membership in the Northeastern States Association for Agricultural Stewardship.

RESOLVE 71 **Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Lease a Certain Parcel of Land to the Federal Aviation Administration** **LD 1839**

Sponsor(s)	Committee Report	Amendments Adopted
CARR	OTP	
NUTTING J		

Resolve 2001, chapter 71 authorizes the Department of Conservation, Bureau of Parks and Lands to lease 1/4 acre to the Federal Aviation Administration to continue to provide an outer marker light and compass locator elements for the airplane landing system for Northern Maine Regional Airport at Presque Isle.

RESOLVE 101 **Resolve, Regarding Legislative Review of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, a Major Substantive Rule of the Department of Conservation** **LD 2135**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-959

Resolve 2001, chapter 101 denies authorization for the Department of Conservation to finally adopt Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas. It requires the Department of Conservation to review the proposed provisionally adopted rule and use that as a basis to develop recommendations for a regulatory framework and an implementation plan for the Maine Forest Service to assume existing Department of Environmental Protection and Maine Land Use Regulation Commission responsibility for timber harvesting in shoreland areas. It gives guidance to the department in its continuing efforts and requires the department to provide interim progress reports and a final report no later than January 2, 2003 to the joint standing committee of the Legislature having jurisdiction over forestry matters. It authorizes the joint standing committee of the Legislature having jurisdiction over forestry matters to report out a bill in the First Session of the 121st Legislature.

Resolve 2001, chapter 101 was enacted as an emergency measure effective April 3, 2002.

RESOLVE 108 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands** **LD 2168**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-511
BUNKER		S-513 MARTIN

Resolve 2001, chapter 108 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey a portion of road in Eagle Lake Township to the Town of Eagle

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Lake, allowing the road to be established as a public way, maintained by the town. It allows the director to convey a parcel in Eagle Lake, occupied by a septic system, to current lessees of same for fair market value. It also allows the director to convey a portion of the Codyville Public Lot that has been cleared and occupied by residential structures and an associated building to the owners of the structures in exchange for a release of any remaining right they may have in the Codyville Public Lot.

RESOLVE 116 Resolve, to Promote the Interests of the People of Maine when
EMERGENCY Public Funds are Used to Acquire Conservation Easements

LD 2096

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	
	ONTP	MIN	H-990
			H-1100 MCKEE
			S-586 GOLDTHWAIT

Resolve 2001, chapter 116 recognizes the ongoing work of a group convened by the Executive Director of the State Planning Office to develop a process for state agencies to use when negotiating conservation easements to be acquired with state funds. The working group consists of representatives of the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Inland Fisheries and Wildlife, the Office of the Attorney General and the Atlantic Salmon Commission. The Resolve directs the Speaker of the House to appoint a Legislator who served on the Committee to Study Access to Private and Public Lands to participate in the working group as it finalizes its work.

The working group is charged with developing criteria for acquiring public access rights and guidelines for stipulations regarding forest management when the landowner retains the right to harvest timber. The Director of the State Planning Office is required to provide notices of all remaining meetings of the working group and to report to the joint standing committee of the Legislature having jurisdiction over public lands matters no later than January 15, 2003.

Resolve 2001, chapter 116 was enacted as an emergency measure effective April 11, 2002.

Appropriations and Financial Affairs

PUBLIC 478

An Act to Amend the Maine Insurance Guaranty Association Act

LD 915

Sponsor(s) ABROMSON MAYO	Committee Report OTP-AM	Amendments Adopted S-402
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Public Law 2001, chapter 478 makes the following changes to the Maine Insurance Guaranty Association Act.

1. It exempts additional types of insurance from being subject to the Act.
2. It excludes first-party claims by an insured whose net worth exceeds \$25,000,000.
3. It amends the definition of "insolvent insurer" to clarify that it applies to that group of insurers defined as "member insurers," and amends the definition to mean a member insurer against whom a final order of liquidation has been entered.
4. It enacts a definition of "person" to mean any individual or legal entity, including a governmental entity.
5. It sets a \$25,000 cap on a claim for the return of an unearned premium.
6. It establishes a bar date for filing covered claims of the earlier of 24 months after the order of liquidation or the final date set by a court and allows the Maine Insurance Guaranty Association to accept the late filed claims as covered claims for good cause.
7. It provides that the Maine Insurance Guaranty Association may intervene as a party in a case involving an insolvent insurer.
8. It requires that notification of an insolvency to insureds and other interested parties by the Maine Insurance Guaranty Association include prominent notice of the date by which a claim must be filed with the association.

PUBLIC 487

**An Act to Make Changes to the Respite Care Fund Administered
by the Department of Human Services**

LD 1938

Sponsor(s) DUDLEY MARTIN	Committee Report OTP-AM	Amendments Adopted H-771
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Public Law 2001, chapter 487 authorizes the Department of Human Services, Bureau of Elder and Adult Services to designate an amount from the Respite Care Fund to carry out the purposes of the National Family Caregiver Support Program.

Appropriations and Financial Affairs

**PUBLIC 522
EMERGENCY**

**An Act to Create a Digital Library to Meet the Educational
Research, Business and Economic Needs of Maine**

LD 1471

Sponsor(s)
ROSEN
EDMONDS

Committee Report
OTP-AM

Amendments Adopted
H-767

Public Law 2001, chapter 522 provides Other Special Revenue fund allocations of \$500,000 in fiscal year 2001-02 and \$500,000 in fiscal year 2002-03 to the Board of Trustees of the University of Maine System to be used for the creation of a digital library that is accessible statewide. It also requires the Public Utilities Commission to order the National Exchange Carrier Association to transfer \$500,000 by June 30, 2002 and \$500,000 by June 30, 2003 from the Maine Telecommunications Education Access Fund to the University of Maine system to support the creation of the library.

Public Law 2001, chapter 522 was enacted as an emergency measure effective March 12, 2002.

**PUBLIC 559
EMERGENCY**

**An Act to Make Supplemental Appropriations and Allocations for
the Expenditures of State Government and to Change Certain
Provisions of the Law Necessary to the Proper Operations of State
Government for the Fiscal Years Ending June 30, 2002 and June
30, 2003**

LD 2080

Sponsor(s)
BERRY, R
GOLDTHWAIT

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-968
H-986 BERRY, R

Public Law 2001, chapter 559 does the following summarized below by part and section:

PART	SECTION	DESCRIPTION
A	A-1	Makes appropriations and allocations of funds.
B	B-1	Makes appropriations and allocations of funds representing reduction proposals or adjustments.
	B-2	Distributes the fiscal year 2001-02 personal services savings implemented by financial order to the affected programs.
	B-3	Distributes the fiscal year 2001-02 All Other savings implemented by financial order to the affected programs.
C	C-1:C-5	Makes appropriations and allocations of funds for approved reclassifications and range changes.

Appropriations and Financial Affairs

range changes.

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|---|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| D | D-1:D-18 | Specifies the General Purpose Aid for Local Schools actual education cost certification and appropriation levels for fiscal year 2002-03 as required by the Maine Revised Statutes, Title 20-A, section 15605. |
| | D-19 | Lapses funds from the Education in Unorganized Territory General Fund account to the General Fund in fiscal year 2001-02. |
| | D-20 | Transfers funds from the Maine Learning Technology Endowment to the General Fund in fiscal year 2001-02. |
| | D-21 | Provides lease purchase authorization for the Maine Learning Technology Endowment program. |
| | D-22 | Provides additional appropriations for General Purpose Aid for Local Schools. |
| E | E-1 | Transfers funds from the Maine Rainy Day Fund to the unappropriated surplus of the General Fund in fiscal years 2001-02 and 2002-03. |
| | E-2 | Extends to fiscal year 2002-03 repayment to the Maine Rainy Day Fund for funds transferred in fiscal year 2001-02 to address aquatic plants and nuisance species. |
| | E-3 | Transfer funds from the Maine Clean Election Fund to the Maine Rainy Day Fund. |
| F | F-1:F-2 | Authorizes the State Controller to establish an Other Special Revenue account for the Office of the Treasurer and the Bureau of Accounts and Control to recover costs of providing administrative services to the Maine Military Authority. |
| | F-3 | Repeals the General Fund appropriation for debt service costs of a tax anticipation note issue in fiscal year 2001-02. |
| G | G-1 | Postpones from January 1, 2003 to May 1, 2003 the scheduled 1/10th of one-percent increase in the percentage of sales and income tax receipts credited to the Local Government Fund. |
| H | H-1 | Postpones for one year the phased-in reductions in tax rates on telecommunications personal property. |
| I | I-1:I-15 | Amends the Real Estate Transfer Tax laws in order to apply the tax to transfers of controlling interests in entities with at least a 50% interest in real property in the same manner as transfers by deed and provides that the distribution of the State's share of the additional revenue be credited to the General Fund as undedicated revenue. |
| J | J-1:J4 | Repeals net operating loss carry backs for tax years beginning on or after 1/1/02 and retains the 2-year carry back provisions for tax years beginning before 1/1/02. |

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K	K-1	Authorizes the continuation of four limited-period positions in the Bureau of the Budget.
L	L-1	Adjusts the timing of the borrowing through the Maine Governmental Facilities Authority for courthouse projects in Rockland and other locations.
	L-2	Authorizes \$55,000 of unencumbered balance appropriated to the Judicial Department for debt service to carry forward at the end of fiscal year 2001-02.
M	M-1	Transfers funds from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund on or before June 30, 2002.
N	N-1:N-2	Increases the state share of the Cost of Retired Teachers Health Insurance from 35% to 40% effective April 1, 2003.
O	O-1	Authorizes use of the General Fund Salary Plan in fiscal years 2001-02 and 2002-03 for authorized Personal Services costs and to receive transfers of Personal Services savings from General Fund accounts.
	O-2	Authorizes use of the General Fund and Highway Fund Salary Plans in fiscal years 2001-02 and 2002-03 for range changes and reclassifications in the Department of Public Safety.
	O-3	Authorizes in fiscal years 2001-02 and 2002-03 the transfer by financial order balances of Personal Services appropriations between General Fund programs and departments.
	O-4	Authorizes the State Budget Officer to calculate in fiscal year 2002-03 All Other savings in General Fund accounts and make appropriation adjustments to those accounts by financial order.
P	P-1	Authorizes adjustments to the state cost allocation plan in fiscal years 2001-02 and 2002-03 which must be credited to the General Fund as undedicated revenue.
	P-2	Transfers funds from the Information Services Internal Service Fund to General Fund undedicated revenue in fiscal year 2001-02.
Q	Q-1	Lapses \$1,200,000 of the \$3,800,000 designated for the demolition of the Maine State Prison at Thomaston from the BPI Capital Construction/Repair General Fund account to the General Fund in fiscal year 2001-02.
	Q-2	Lapses \$250,000 from the BGS – Capital Construction & Improvement Reserve Fund – MCJA General Fund account to the General Fund in fiscal year 2001-02.
R	R-1	Lapses \$80,000 from the Attorney General - Contingent General Fund account to the General Fund in fiscal year 2001-02.
S	S-1	Authorizes the State Budget Officer to calculate in fiscal years 2001-02 and 2002-03 position count and amounts in General Fund accounts in the Department of Behavioral and Developmental Services and make position count and appropriation

Appropriations and Financial Affairs

adjustments to those accounts by financial order.

	S-2	Authorizes the continuation of one project position and two limited-period positions in the Department of Behavioral and Developmental Services.
T	T-1	Authorizes the Commissioner of Conservation to increase parks and land fees by financial order.
U	U-1	Authorizes \$500,000 of the amounts appropriated to the Office of Tourism to be used for tourism promotion in fiscal year 2001-02 rather than being carried forward to fiscal year 2002-03.
	U-2	Lapses \$6,000 from the Applied Technology Development Center System - Carrying Account in the Department of Economic and Community Development to the General Fund in fiscal year 2001-02.
V	V-1	Increases the amount of the cap of the Finance Authority of Maine's Mortgage Insurance Fund from \$20,000,000 to \$35,000,000 to allow additional transfers from the Loan Insurance Reserve in the General Fund at the end of each fiscal year.
	V-2	Transfers funds in fiscal year 2001-02 from the Underground Oil Storage Replacement Fund in the Finance Authority of Maine to the General Fund as undedicated revenue.
W	W-1	Lapses \$325,000 from the Land for Maine's Future General Fund account to the General Fund in fiscal year 2001-02.
X	X-1	Allows personal representatives to pay a fee to the probate court to permit the register to publish a notice to creditors.
	X-2:X-4	Allows the State to file a claim for Medicaid reimbursement against the assets of an estate as long as the claim is filed within 4 months of the filing for probate or the appointment of a personal representative.
	X-5	Allows the Department of Human Services to adopt administrative rules that impose a penalty for the transfer of certain assets.
	X-6	Lapses funds from the Medical Care – Payments to Providers General Fund account to the General Fund in fiscal year 2001-02.
	X-7	Lapses funds from the Nursing Facilities General Fund account to the General Fund in fiscal year 2001-02.
	X-8	Lapses funds from the TANF General Fund account to the General Fund in fiscal year 2001-02.

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- X-9 Requires up to \$5,583,019 of the carrying balance on June 30, 2001 to be used to reimburse the State's 2 free-standing, non-profit psychiatric hospitals for services provided to indigent patients when these expenses can not be reimbursed from Medicaid or Disproportionate Share programs.
- Y Y-1 Authorizes the transfer of funds from the unappropriated surplus of the General Fund to the General Fund Carrying Balances – Inland Fisheries and Wildlife program and the allotment of those funds in fiscal year 2002-03 by financial order.
- Z Z-1:Z-3 Amends the insurance code to accrue interest to the General Fund from the Bureau of Insurance Regulatory Fund retroactive to July 1, 1995 and transfers funds from the Bureau of Insurance Regulatory Fund to the General Fund in fiscal year 2001-02.
- AA AA-1:AA-8 Establishes additional reporting requirements for the Fund for a Healthy Maine and adjusts current allocations by establishing new program names to help segregate and improve tracking of Fund for a Healthy Maine expenditures.
- BB BB-1:BB-6 Moves Personal Care Assistants program from DHS to the Department of Labor.
- CC CC-1:CC-8 Implements a child welfare initiative that includes: changes to the laws on child welfare services; provides clarification of the roles of the Department of Human Services and parents; authorizes the courts to hold prehearing conferences in child welfare cases; requires the Department of Human Services to adopt performance measures and provide quality indicator reports; and implements an automatic suspension of hiring of caseworkers based on caseworker caseload sizes. Part CC also provides funding for additional caseworkers and case aides, paralegal services, and other support staff and provides funding for a number of other child welfare initiatives including: safe and sober home programs, family visitation services, kinship projects, expanding the community intervention program, family support pilot programs, and continuing pilot programs for homeless youth (Related to LD 2031).
- DD DD-1:DD-4 Establishes 5 demonstration sites to provide adult remedial education services to former students of the Governor Baxter School for the Deaf (Related to LD 1889).
- EE EE-1:EE-2 Changes an Assistant to the Commissioner position within the Department of Public Safety to a Deputy Commissioner position.
- FF FF-1 Deappropriates funds from savings due to a slower start-up and phase-in of Medicaid coverage to noncategorical eligible adults funded in PL 2001, c. 450.
- GG GG-1:GG-26 Establishes partial conformity with the US Internal Revenue Code as of 3/15/02 for purposes of the estate tax and the income tax. Conformity is established for the estate tax except for deaths occurring in 2002. Conformity for the income tax for tax years beginning in 2002 is contingent upon adequate resources being transferred to the General Fund from the Tax Conformity Reserve. A conformity factor is established to adjust the income tax with respect to depreciation, if resources are not adequate. This part also provides for the transfer of savings from any Federal Financial Participation rate change to the Maine Rainy Day Fund and establishes the order of priority for the transfers from the General Fund unappropriated surplus at the close of

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fiscal year 2001-02.

HH	HH-1:HH-3	Requires the Department of Human Services to administer a program to limit coverage to persons who test positive for HIV; the HIV Medicaid waiver program.
II	II-1:II-4	Directs the use of certain allocations from the Fund for a Healthy Maine designated for oral health initiatives to provide one-time grants to community oral health programs, to increase oral health services provided through Medicaid and to increase Medicaid dental reimbursement rates.
JJ	JJ-1	Establishes that cost items in the Maine Technical College System collective bargaining agreements are to be included in the Governor's budget and are subject to Legislative approval.
KK	KK-1:KK-6	Establishes a program of training requirements for capitol security officers at the Maine Criminal Justice Academy; requires the Commissioner of Public Safety to notify the Legislative Council about prospective rules pertaining to security in the capitol area; and requires the Department of Public Safety to establish a protocol for greater coordination between the Bureau of Capitol Security and the Bureau of State Police, Special Services Unit.
LL	LL-1	Provides that at least \$2,000,000 be available in the Telecommunications Education Access Fund over the 4-year period beginning August 1, 2002 for purposes other than to support the learning technology plan and the digital library at the University of Maine.
MM	MM-1	Requires that, for fiscal years 2003-04 and 2004-05 only, the Governor submit a report if the Governor's recommendations for operational costs of applied research and development differ from the equivalent of not less than 2% of total actual General Fund revenue of the previous year.
NN	NN-1	Designates the Thomas M. Teague Biotechnology Center of Maine, located in Fairfield, Maine, as the Biotechnology Center of Maine.
OO	OO-1	Requires the Commission on Governmental Ethics and Election Practices to provide an estimate of the anticipated funding need for every election and authorizes the commission to submit legislation to request additional funding.
PP	PP-1:PP-2	Allows the use of any money received from the sale of armories up to \$300,000 during fiscal year 2002-03 to fund the National Guard Education Assistance Pilot Program.

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QQ	QQ-1	Provides that a retired teacher who is collecting retirement and benefits from the Maine State Retirement System and who becomes an employee of the Legislature be eligible for health insurance in the same manner as any other employee of the Legislature.
RR	RR-1:RR-19	Provides for the implementation of the special retirement plan for game wardens and marine patrol officers originally enacted by PL 2001, c. 439 on a contingent basis.
SS	SS-1:SS-2	Requires the Department of Human Services to continue to provide a limited respite benefit for eligible persons, subject to availability of funds, as a result of the shift of the home-based care program to Medicaid.

Public Law, chapter 559 was enacted as an emergency measure effective March 25, 2002.

PUBLIC 590	An Act to Give the Maine Technical College System Limited Revenue Bonding Authority	LD 1819
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Sponsor(s)	Committee Report OTP MAJ ONTP MIN	Amendments Adopted
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Under current law, the University of Maine System has the authority to issue revenue bonds up to \$100,000,000 and the Maine Maritime Academy has the authority to incur debt up to \$4,000,000. These statutes enable the university and academy to improve their facilities without pledging the credit of the State. Public Law 2001, chapter 590 authorizes the Maine Technical College System to issue up to \$35,000,000 in revenue bonds and to issue bonds through the Maine Health and Higher Education Facilities Authority.

PUBLIC 631	An Act to Increase Home Ownership	LD 2036
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Sponsor(s) SAXL BENNETT	Committee Report OTP-AM MAJ OTP-AM MIN	Amendments Adopted H-763
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Public Law 2001, chapter 631 increases the amount of bonds that the Maine State Housing Authority may issue that are enhanced by the State's moral obligation by \$500,000,000 to \$2,150,000,000. These bonds are primarily used for the authority's first time home buyer program and secured by first mortgages.

PUBLIC 674	An Act to Authorize a General Fund Bond Issue in the Amount of \$28,500,000 to Capitalize the School Revolving Renovation Fund, to Provide Grants to Public Educational Institutions to Install	LD 2128
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Appropriations and Financial Affairs

Sprinkler Systems in Dormitories, to Renovate the Harlow Office Building and to Provide a Center for Homeless Teenagers

Sponsor(s)	Committee Report	Amendments Adopted
SAXL	OTP-AM A	H-1080
MICHAUD	OTP-AM B	H-1108 BERRY, R
	OTP-AM C	

Public Law 2001, chapter 674 authorizes a General Fund bond issue in the amount of \$28,500,000 to capitalize the State's School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies, general renovation needs and learning space upgrades; to provide grants to public educational institutions to install sprinkler systems in dormitories; to renovate the Augusta East Campus Harlow Office Building; and to provide a center for homeless teenagers in the Portland Area.

PUBLIC 679 An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance LD 79

Sponsor(s)	Committee Report	Amendments Adopted
KANE	OTP-AM	H-811
GAGNON		

Public Law 2001, chapter 679 expands tax deductions and credits for long-term care insurance to include policies certified by the Superintendent of Insurance.

PUBLIC 682 An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State LD 1230

Sponsor(s)	Committee Report	Amendments Adopted
WINSOR	OTP-AM MAJ	H-784
BENNETT	ONTP MIN	S-599 GOLDTHWAIT

Public Law 2001, chapter 682 reinstates, effective July 1, 2003, a sales tax exemption which expired June 30, 2001, for leases of certain vehicles to a non-resident if the vehicle is intended to be removed from the State immediately upon delivery.

PUBLIC 705 An Act to Address the Cash Flow and Funding Needs of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003 LD 2215

Appropriations and Financial Affairs

Sponsor(s)
GOLDTHWAIT
BERRY, R

Committee Report

Amendments Adopted

Public Law 2001, chapter 705 addresses the cash flow and funding needs of State Government for the fiscal years ending June 30, 2002 and June 30, 2003. This bill strikes the limit on the tax anticipation note authority currently established at \$100,000,000. In the absence of this statutory restriction, the limitation of the Constitution of Maine, Article IX, Section 14 restricts this borrowing authority to the lesser of 10% of all the money appropriated, authorized and allocated by the Legislature from undedicated revenues to the General Fund and dedicated revenues to the Highway fund for that fiscal year, exclusive of proceeds or expenditures from the sale of bonds, and 1% of the total valuation of the State. In fiscal year 2001-01, that limit would have been \$293,843,735 based on final General Fund appropriations and Highway Fund allocations for that fiscal year.

Appropriations and Financial Affairs

PUBLIC 709

An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably

LD 457

Sponsor(s)	Committee Report	Amendments Adopted
MICHAUD MH	OTP-AM MAJ	S-412
GREEN	ONTP MIN	S-598 GOLDTHWAIT

Public Law 2001, chapter 709 expands the sales tax exemption for machinery and equipment used:

1. In the generation of digital television broadcast signals, for sales from March 1, 2003 to July 2003; and
2. In the generation of all radio and television broadcast signals (excludes cable television transmission), for sales after June 30, 2003.

Public Law 2001, chapter 709 was vetoed by the Governor on April 17, 2002 and the veto was overridden by the Legislature on April 24, 2002.

**P & S 44
EMERGENCY**

An Act to Fund the Collective Bargaining Agreements and Benefits of State Employees Who are Members of the American Federation of State, County and Municipal Employees, Council No. 93

LD 2057

Sponsor(s)	Committee Report	Amendments Adopted
SAXL		H-759 BERRY R
BENNETT		

Public and Special Law 2001, chapter 44 Part A implements the cost items in the collective bargaining agreement reached between the State and the American Federation of State, County and Municipal Employees, Council #93.

1. It reflects the costs from the General Fund to fund salary increases, market and pay equity adjustments and benefits.
2. It provides for a lump-sum payment in fiscal year 2001-02 for bargaining unit members.
3. It provides for the adjustment of salary schedules in fiscal year 2001-02.
4. It provides for the adjustment of salary schedules in fiscal year 2002-03.
5. It provides for a new step above the current highest step of the salary schedule.
6. It provides for similar and equitable treatment of probationary and other employees.

Part B authorizes use of the salary plan program to fund the collective bargaining agreement and other cost items, provides that positions supported from other funds must be funded whenever possible from those other sources and provides for reimbursement to the Department of Administrative and Financial

Appropriations and Financial Affairs

Services for costs incurred in the process of collective bargaining, contract administration and related costs.

Private and Special Law 2001, chapter 44 was enacted as an emergency measure effective January 15, 2002.

P & S 71	An Act to Authorize a General Fund Bond Issue in the Amount of \$24,100,000 for Water Pollution Control, Drinking Water, Water for Crops and Fish-rearing Facilities, to Clean up Hazardous Substances and Tire Stockpiles, Promote Public Geographic Data, Recapitalize the Potato Marketing Fund and Capitalize the Dam Repair Fund	LD 2120
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Sponsor(s)	Committee Report	Amendments Adopted
MICHAUD	OTP-AM A OTP-AM B OTP-AM C	S-607 COMMITTEE OF CONFERENCE

Private and Special Law 2001, chapter 71 authorizes a General Fund bond issue to be submitted to the voters in November, 2002 in the amount of \$24,100,000 for the following purposes:

1. The sum of \$5,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;
2. The sum of \$1,000,000 to protect public health, safety and the environment by providing funds to remove overboard discharges;
3. The sum of \$7,000,000 to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities;
4. The sum of \$1,000,000 to protect public health, safety and the environment by providing funds to remove and replace failing septic systems;
5. The sum of \$1,000,000 to clean up uncontrolled hazardous substance sites;
6. The sum of \$500,000 to remediate solid waste landfills;
7. The sum of \$500,000 to clean up tire stockpiles;
8. The sum of \$500,000 to provide funds for the Dam Repair and Reconstruction Fund and the renovation of and capital repairs and improvements to locks under the control of the Bureau of Parks and Lands;
9. The sum of \$1,800,000 to support drinking water system improvements that address public health threats, providing the state match for \$6,000,000 in federal funds;
10. The sum of \$2,300,000 to acquire the technology and services required to establish an Internet-based Maine public library of geographic data, to improve citizens' access to public geographic data, to make grants to municipalities for voluntary automation of parcel and zoning maps to

Appropriations and Financial Affairs

uniform standards, to provide the state match for at least \$1,600,000 in federal funds and to participate in intergovernmental data development agreements;

11. The sum of \$1,500,000 to support household hazardous waste collection and public recycling;
12. The sum of \$1,000,000 to construct new or retrofit existing pollution control structures on Maine farms to protect the environment;
13. The sum of \$500,000 to construct environmentally sound water sources that help avoid drought damage to crops; and
14. The sum of \$500,000 to recapitalize the Potato Marketing Improvement Fund.

P & S 72	An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Build a New Correctional Facility in Machias and to Make Improvements to the Maine Correctional Center in South Windham	LD 2129
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Sponsor(s) BAGLEY SHOREY	Committee Report ONTP	Amendments Adopted H-1110 BERRY, R
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Private and Special Law 2001, chapter 72 authorizes a General Fund bond issue in the amount of \$25,000,000 to raise funds to build a new correctional facility in Machias and to make improvements to the Maine Correctional Center in South Windham.

P & S 73	An Act to Authorize a General Fund Bond Issue in the Amount of \$34,970,000 to Stimulate Job Growth in Maine, to Renovate Certain State Facilities and to Promote Homeland Security and Tourism	LD 2130
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Sponsor(s) MICHAUD RICHARDSON	Committee Report OTP-AM A OTP -AM B OTP-AM C	Amendments Adopted S-561 H-1107 BERRY, R
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Private and Special Law 2001, chapter 73 authorizes a General Fund bond issue to be submitted to the voters in June, 2002 in the amount of \$34,970,000 to stimulate job growth, renovate buildings, defend against terrorism in Maine and promote tourism to be used for the following purposes:

1. Funds of \$4,000,000 for the Municipal Investment Trust Fund to provide loans and grants to municipalities for public infrastructure to support economic development and other purposes of the fund;

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2. Funds of \$8,000,000 to the Finance Authority of Maine to create and retain Maine jobs through the funding of community, regional and state business financing programs;
3. Funds of \$540,000 for the protection of the lives and property of Maine citizens;
4. Funds of \$6,000,000 to capitalize the Maine Rural Development Authority to facilitate job creation through the development and redevelopment of commercial and industrial buildings in Maine;
5. Funds of \$400,000 for renovation of buildings and associated infrastructure at the Schoodic Education and Research Center. State bond funds will match \$4,000,000 in federal funds;
6. Funds of \$5,000,000 for the construction of a facility for product development and support that will provide the University of Maine with the resources needed to help solve daily manufacturing and engineering problems;
7. Funds of \$4,000,000 for the construction of a facility for product development and support that will provide the University of Southern Maine with the resources needed to help solve daily manufacturing and engineering problems;
8. Funds of \$5,500,000 for medical research and development by Maine-based biomedical research institutions in order to obtain matching federal funds for health research to cure disease and to retain Maine graduates by providing quality Maine jobs;
9. Funds of \$1,000,000 for the planning and construction of the Franco-American Heritage Center at St. Mary's in Lewiston;
10. Funds of \$5,000,000 to construct an auditorium and civic center in Bangor if matching funds are raised locally;
11. Funds of \$30,000 to assist the Moosehead Marine Museum in the renovation of its flagship, the Katahdin; and
12. Funds of \$500,000 for the renovation of the Center Theater in downtown Dover-Foxcroft.

RESOLVE 72

Resolve, Directing the Department of Transportation to Make Recommendations to the Legislature to Provide More Stable Financial Support for the Casco Bay Island Transit District

LD 874

Sponsor(s)
DUDLEY
ABROMSON

Committee Report
OTP-AM

Amendments Adopted
H-762

Resolve 2001, chapter 72 requires the Commissioner of Transportation to report the Department of Transportation's recommendations regarding the adequacy of the state operating subsidy for the Casco Bay Island Transit District to the Legislature by January 1, 2003.

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Appropriations and Financial Affairs

RESOLVE 74 EMERGENCY

Resolve, to Allow the Courts to Utilize the Maine Governmental Facilities Authority to Issue a Bond of \$2,500,000 to Finish the Repairs at the Lewiston District Court

LD 1866

Sponsor(s)
MAILHOT
ROTUNDO

Committee Report
OTP-AM

Amendments Adopted
H-760

Resolve 2001, chapter 74 authorizes the Maine Governmental Facilities Authority to issue a bond in the amount of \$2,500,000 in order to finish repairs at the Lewiston District Court. It allows the Maine Governmental Facilities Authority to issue additional securities as early as April 1, 2002, to complete the repairs of the Lewiston District Court. It deappropriates funds in fiscal year 2001-02 and appropriates funds in fiscal year 2002-2003 to support the additional debt service costs.

Resolve 2001, chapter 74 was enacted as an emergency measure effective February 21, 2002.

RESOLVE 96

Resolve, Directing the Department of Defense, Veterans and Emergency Management to Make Recommendations to the Legislature to Provide Increased Outreach Activities for Women Veterans

LD 2035

Sponsor(s)
O'BRIEN, L

Committee Report
OTP-AM MIN
ONTP MAJ

Amendments Adopted
H-828 BERRY, R.

Resolve 2001, chapter 96 directs the Commissioner of the Department of Defense, Veterans and Emergency Management to review the report of the Advisory Commission on Women Veterans, to develop a plan to meet the outreach needs of women veterans and to implement outreach activities. The Commissioner is also required to report back to the Legislature by January 15, 2003 on the progress of implementing outreach activities for women veterans.

RESOLVE 120 EMERGENCY

Resolve, to Establish and Fund the Task Force on Rail Transportation

LD 2214

Sponsor(s)

Committee Report
OTP

Amendments Adopted

Resolve 2001, chapter 120 establishes and funds the Task Force on Rail Transportation.

Resolve 2001, chapter 120 was finally passed as an emergency measure effective April 11, 2002.

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RESOLVE 121

Resolve, to Establish a Fatherhood Issues Study Commission

LD 472

Sponsor(s)
TESSIER

Committee Report
OTP-AM

Amendments Adopted
H-852

Resolve 2001, chapter 121 establishes a study commission to examine various issues associated with being a father in Maine and provides funds for the per diem and expenses of legislative members and the reimbursement of necessary expenses of public members of the Commission on Fatherhood Issues, as well as printing and mailing costs.

RESOLVE 122

Resolve, Appropriating Funds for the Seeds of Peace International Camp

LD 1931

Sponsor(s)
GREEN
CATHCART

Committee Report
OTP-AM

Amendments Adopted
H-859
S-590 GOLDTHWAIT

Resolve 2001, chapter 122 provides a General Fund appropriation of \$25,000 in fiscal year 2002-03 to support scholarships for the Seeds of Peace International Camp in Otisfield.

Banking and Insurance

PUBLIC 478

An Act to Amend the Maine Insurance Guaranty Association Act

LD 915

Sponsor(s)
ABROMSON
MAYO

Committee Report
OTP-AM

Amendments Adopted
S-402

Public Law 2001, chapter 478 amends the Maine Insurance Guaranty Association Act. In the event of an insolvency of a property and casualty insurer licensed to transact insurance business in the State, the Maine Insurance Guaranty Association pays valid claims of policyholders and certain other claimants and refunds unearned premium as provided by law.

Public Law 2001, chapter 478 exempts certain types of insurance from being subject to the Act, including life, health, disability or annuity insurance; insurance of warranties and service contracts; insurance protecting the interest of a creditor arising out of a creditor-debtor transaction; insurance offering protection against investment risks; and insurance provided or guaranteed by a governmental entity.

Public Law 2001, chapter 478 amends the definition of an insolvent insurer to clarify that it means a member insurer against whom a final order of liquidation has been entered. It excludes from the definition of “covered claims” any first-party claims of an insured whose net worth exceeds \$25,000,000. The law raises the cap on unearned premium that may be refunded to policyholders to \$25,000.

Public Law 2001, chapter 478 provides that the association may intervene as a party in a case involving an insolvent insurer. The law establishes a bar date for filing covered claims as the earlier of 24 months after the order of liquidation or the final date set by a court and allows the association to accept late-filed claims as covered claims for good cause. The law also requires that notification of an insolvency to insureds and other interested parties by the association include prominent notice of the date by which a claim must be filed with the association.

Public Law 2001, chapter 478 applies to the obligations of the Maine Insurance Guaranty Association as those obligations exist on the law's effective date, July 25, 2002, except that the first-party exclusion contained in Title 24-A, Maine Revised Statutes, section 4435, subsection 4; the unearned premium cap and the bar date contained in Title 24-A, Maine Revised Statutes, section 4438, subsection 1; and the right of intervention contained in Title 24-A, Maine Revised Statutes, section 4438, subsection 2, paragraph C apply only to new insolvencies occurring on or after July 25, 2002.

PUBLIC 482
EMERGENCY

An Act to Clarify Recent Amendments to the Maine Consumer
Credit Code

LD 1999

Sponsor(s)
O'NEIL

Committee Report
OTP

Amendments Adopted

Public Law 2001, chapter 482 clarifies the intent of Public Law 2001, chapter 82, which was enacted in the First Regular Session of the 120th Legislature. The law allows interest to accrue in connection

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with a deferral of a first periodic payment of a loan if the deferral is for 90 days or less. Interest or costs may not accrue in connection with the entirety of a deferral that exceeds 90 days.

Public Law 2001, chapter 482 was enacted as an emergency measure effective February 21, 2002.

PUBLIC 509 An Act to Amend the Loan Broker Law

LD 1835

Sponsor(s) O'NEIL LAFOUNTAIN	Committee Report OTP-AM	Amendments Adopted H-789
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Public Law 2001, chapter 509 amends the laws governing loan brokers, or credit services organizations, to apply consumer protections to transactions involving brokers who are paid by lenders or other creditors to arrange credit transactions.

The law clarifies that credit services organization registration requirements do not apply to certain business entities. These include supervised financial organizations and the affiliates, employees or agents of supervised lenders who are not compensated by the consumer, closing agent, telemarketers or automobile dealers that do not accept compensation from the consumer for the provision of credit services. The law also clarifies that an employee of a person or entity excluded from the registration requirements is not required to register as a credit services organization unless the employee is being compensated for the services by the consumer.

PUBLIC 524 An Act to Modify Investment-related Insurance Company Provisions of the Maine Insurance Code

LD 1976

Sponsor(s) O'NEIL	Committee Report OTP-AM	Amendments Adopted H-812 S-439 LAFOUNTAIN
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Public Law 2001, chapter 524 permits property and casualty and life and health insurers to invest up to 20% of their assets in qualifying index mutual funds with the prior approval of the Superintendent of Insurance. The law also clarifies the provision outlining the criteria used by the Superintendent of Insurance to recognize admitted assets and to value assets and liabilities of insurance companies.

PUBLIC 527 An Act to Reduce Identity Theft by Regulating Electronically Printed Credit Card and Debit Card Receipts

LD 1880

Sponsor(s) MITCHELL B COLWELL	Committee Report OTP-AM	Amendments Adopted S-426
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Public Law 2001, chapter 527 prohibits a business or merchant from issuing to a cardholder a credit card or debit card receipt that contains more than the last 5 digits of the credit card or debit card account number or contains the expiration date. The law does not apply if the only means of recording the card number is by handwriting or imprint.

Banking and Insurance

Public Law 2001, chapter 527 has a delayed effective date of January 1, 2004.

PUBLIC 569 An Act to Define Undisputed Claims for Covered Health Insurance LD 782
Benefits

Sponsor(s)	Committee Report	Amendments Adopted
KILKELLY	OTP-AM	S-463
HONEY		

Under current law, health insurers and health maintenance organizations must pay undisputed claims for covered benefits within 30 days. Public Law 2001, chapter 569 defines the term "undisputed claim" as a claim for payment of covered health care expenses that is submitted on the insurer's standard claim form using the most current published procedural codes with all the required fields completed with correct and complete information. The law also clarifies that the definition applies only to claims made for covered benefits under health insurance policies.

PUBLIC 570 An Act to Improve the Accessibility and Affordability of Health LD 1804
Care Benefits in the State

Sponsor(s)	Committee Report	Amendments Adopted
MILLS	OTP-AM	S-464

Public Law 2001, chapter 570 amends the provisions governing multiple-employer welfare arrangements to allow an arrangement based on geographic association. Employers with 100 or fewer employees and licensed hospitals located within a 40-mile radius are permitted to form an arrangement to self-fund health insurance coverage with the approval of the Superintendent of Insurance. These arrangements are required to meet the same statutory standards as other multiple-employer welfare arrangements.

The law also changes the provision relating to actuarial reports filed by multiple employer welfare arrangements by making the filing of an actuarial report at least once every 2 years mandatory for the first 4 years. After 2 reports have been filed, an arrangement may apply to the superintendent for a waiver from the mandatory filing requirement.

PUBLIC 636 An Act to Provide Maine State Retirement System Representation LD 2198
on the State Employee Health Commission

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-516

Public Law 2001, chapter 636 adds a labor and a management member representing the Maine State Retirement System to the State Employee Health Commission.

Banking and Insurance

PUBLIC 677 An Act to Address the Health Coverage Crisis for Maine's Small Businesses and Self-employed Persons

LD 1784

Sponsor(s) SAXL LAFOUNTAIN	Committee Report OTP-AM	Amendments Adopted H-970
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Public Law 2001, chapter 677 establishes the Maine Small Business Health Coverage Plan to provide health care coverage to small employers, including self-employed individuals, and their employees and dependents. Small employers are defined as those employers with 50 or fewer employees. The Maine Small Business Health Coverage Plan operates under the supervision of an 11-member board of directors and in coordination with the Department of Human Services. Public Law 2001, chapter 677 requires the board to submit a business plan and actuarial analysis to implement the health coverage program and any necessary federal waivers to the Legislature for affirmative approval before the program begins operation.

Public Law 2001, chapter 677 requires the board to contract with a health insurer, health maintenance organization or the Department of Human Services to provide coverage under the plan through a comprehensive managed care plan, indemnity plan or both. The law requires the board to solicit bids from qualified bidders through a request for proposal process and to award the contract by October 1, 2003. In the event that the Department of Human Services is awarded the bid, the board must notify the Legislature. Coverage under the Maine Small Business Health Coverage Plan must be available beginning January 1, 2004.

Public Law 2001, chapter 677 requires that the plan seek to maximize federal matching funds under the Medicaid program to subsidize coverage for under the plan. The maximum contribution for employees covered under the plan who are categorically-eligible for Medicaid is limited to the cost-sharing requirements of the Medicaid program. The law also requires the Department of Human Services to apply for any federal waivers necessary to implement the plan.

PUBLIC 708 An Act to Establish the Maine Consumer Choice Health Plan

LD 2146

Sponsor(s) BENNETT	Committee Report OTP-AM	Amendments Adopted S-530 S-548 LAFOUNTAIN S-606 GOLDTHWAIT
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Public Law 2001, chapter 708 establishes the Maine Consumer Choice Health Plan as an independent executive agency to act as a voluntary purchasing alliance open to individuals and small employers of 50 or fewer employees. The Maine Consumer Choice Health Plan is governed by a 5-member board of directors appointed by the Governor and confirmed by the Legislature. The Maine Consumer Choice Health Plan is required to contract with participating health insurance carriers to offer at least 3 health benefit plans to enrollees: a fee-for-service plan, a managed care plan and a point-of-service plan.

Public Law 2001, chapter 708 permits the Board of Directors to establish procedures and adopt rules for different risk pools and a risk adjustment mechanism for the plan. Legislative review and approval is

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required before final adoption of any rules adopted relating to the establishment of risk pools or a risk adjustment mechanism.

Public Law 2001, chapter 708 also requires the Board of Directors, the Superintendent of Insurance and the joint standing committee of the Legislature having jurisdiction over insurance matters to report to the Legislature regarding the feasibility of requiring all insurance carriers to offer only board-authorized plans by January 1, 2005.

RESOLVE 118	Resolve, Regarding Legislative Review of Portions of Chapter 750:	LD 2138
EMERGENCY	Standardized Health Plans, Part II HMO Guidelines, a Major Substantive Rule of the Department of Professional and Financial Regulation	

Sponsor(s)	Committee Report OTP	Amendments Adopted
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Resolve 2001, chapter 118 authorizes final adoption of portions of Chapter 750: Standardized Health Plans, Part II HMO Guidelines, a major substantive rule of the Department of Professional and Financial Regulation.

Resolve 2001, chapter 118 was enacted as an emergency measure effective April 11, 2002.

Business and Economic Development

PUBLIC 479 An Act to Allow Pledging of Medical Education Loans to Secure Bonds to Finance Educational Loans

LD 1877

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON LEDWIN	OTP	

Public Law 2001, chapter 479 allows the Finance Authority of Maine to pledge the existing Health Professions Loan Program revolving loan fund, including the revenue stream, when borrowing funds to be applied to the loan fund. By doing this, the law provides greater access to lower cost financing for Maine students attending medical schools. The law also allows the Finance Authority of Maine to purchase loans as necessary to comply with the United States Internal Revenue Code requirement that the proceeds of tax-exempt bonds issued for the funding of loans for higher education be disbursed within 3 years of issuance.

PUBLIC 491 An Act to Clarify the Method of Sale for Heating Oil and Retail Motor Fuels

LD 1948

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON SAWYER	OTP-AM	H-777

Public Law 2001, chapter 491 establishes methods of sales of commodities that require labeling and the publishing of prices that will provide adequate information for consumers to make value price comparisons among companies selling heating oil or retail motor fuels using temperature-compensating technology and those using a traditional 231-cubic-inch-per-gallon measurement. The law also allows a seller of commodities in liquid form to obtain approval from the State Sealer for regional use of temperature compensators in lieu of equipping the seller's entire fleet of vehicles with temperature compensators.

PUBLIC 492 An Act to Increase the Licensing Fee Caps of the Board of Osteopathic Licensure

LD 2017

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON	OTP-AM MAJ	H-779
	ONTP MIN	

Public Law 2001, chapter 492 increases the fee caps for the Board of Osteopathic Licensure and provides the board with the authority to adopt a renewal schedule by rule.

Business and Economic Development

PUBLIC 505 An Act Concerning the State Board of Funeral Service

LD 1935

Sponsor(s)	Committee Report	Amendments Adopted
MAYO	OTP-AM	H-788
BROMLEY		

Public Law 2001, chapter 505 removes the requirement that State Board of Funeral Services conduct inspections of funeral establishments and practitioners of funeral services every 3 years and replaces it with language that gives the board discretion to conduct inspections as needed. It also provides the board with the authority to review financial records to determine compliance with the laws and rules applicable to prearranged funeral services or plans.

PUBLIC 541 An Act to Provide Enhancements to the Small Enterprise Growth Program

LD 1868

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON	OTP-AM	H-778
SHOREY		

Public Law 2001, chapter 541 allows the Small Enterprise Growth Program Board the discretion to make subsequent investments in companies that have benefited from an initial investment by the board providing those companies have grown since the board's initial investment and evidence a likelihood for continued high growth. The law maintains the current maximum initial disbursement that the board may make to a company at \$500,000, but allows a subsequent disbursement to equal up to 10% of the capitalization of the fund from appropriations, returns on successful investments and accrued interest.

PUBLIC 542 An Act Regarding Certain Educational Requirements for Licensed Social Workers

LD 1911

Sponsor(s)	Committee Report	Amendments Adopted
DAGGETT	OTP-AM MAJ	S-435
	OTP MIN	

Public Law 2001, chapter 542 modifies Public Law 2001, chapter 316, which created the position of licensed bachelor social worker and established standards and educational requirements for that position, by extending the deadline for when the new educational requirements become effective to September 30, 2003.

Business and Economic Development

PUBLIC 562

**An Act to Clarify the Application of the Freedom of Access Laws to
Certain Proceedings and Records of the Maine Technology Institute**

LD 1914

Sponsor(s)	Committee Report	Amendments Adopted
SHOREY	OTP-AM	S-452
BRYANT		H-915 RICHARDSON

Public Law 2001, chapter 562 declares that the proceedings and records of the Maine Technology Institute are subject to the freedom of access laws and specifies which records and documents are exempt from the provisions of Maine Revised Statutes, Title 1, chapter 13 and are thus confidential. Generally, the exemptions relate to documents that contain proprietary information and trade secrets the disclosure of which could be competitively harmful to a business that is an applicant for financial support or a recipient of financial support from the institute. The law also specifies which institute information is available to the public on request.

PUBLIC 568

An Act to Create the Washington County Development Authority

LD 1672

Sponsor(s)	Committee Report	Amendments Adopted
SHOREY	OTP-AM	S-468
GOODWIN		H -967 RICHARDSON

Public Law 2001, chapter 568 creates the Washington County Development Authority for the purposes of accepting from the Federal Government and disposing of the real or personal property located within the geographical boundaries of the naval communications unit in the Town of Cutler or any other decommissioned federal military facility located in Washington County. The law establishes the authority as a public municipal corporation, creates a board of trustees and empowers the authority to employ technical experts and agents and to lease, sell or transfer accepted federal property or interests in accepted property to eligible entities. The law authorizes the authority to apply for and accept grants to support the activities of the authority. It also requires the authority to submit an annual report.

PUBLIC 573

**An Act to Strengthen the Laws Governing Inspections of Boilers,
Pressure Vessels, Elevators and Tramways**

LD 2056

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON	OTP-AM	H-1010
SHOREY		

Public Law 2001, chapter 573 does the following regarding boiler and pressure vessels:

1. Provides the chief inspector with the authority to grant variances and to take a boiler or pressure vessel out of service if the owner has failed to have it inspected in a timely fashion or has failed to make required repairs;
2. Clarifies that it is the owner's responsibility to have a boiler or pressure vessel inspected in a timely manner and authorizes the Director of Licensing and Registration within the Department of

Business and Economic Development

Professional and Financial Regulation to establish a late inspection fee or a late certificate fee regarding boiler and pressure vessel inspections, not to exceed \$250; and

3. Clarifies that an insurance company inspector may inspect a boiler or pressure vessel not insured by that company if it is in connection with an application for insurance or when a new unit is installed at an insured location.

Public Law 2001, chapter 573 does the following regarding elevators and tramways:

1. Provides the chief inspector with the ability to take an elevator out of service if the owner has failed to have the elevator inspected in a timely fashion or has failed to make required repairs;
2. Clarifies the duties and responsibilities of elevator and tramway owners, including the responsibility to obtain an inspection certificate, have the elevator inspected on an annual basis, notify the Board of Elevator and Tramway Safety when required repairs have been made, notify the Board of Elevator and Tramway Safety when ownership of a unit changes and notify the board when a unit is removed or no longer in use;
3. Provides the chief inspector with the authority to grant variances and clarifies the board's ability to fine an owner or operator up to \$3,000 per violation for failure to comply with applicable statutes;
4. Requires the owner or lessee to report to the chief inspector any elevator or tramway accidents that result from equipment failure, result in significant injury to a person or result in substantial damage to equipment and when such an accident occurs, the inspection certificate for the elevator or tramway involved may be summarily revoked;
5. Changes the terms of licenses issued by the board from a 3-year term to a one-year term and provides the board with the authority to adopt standards through rulemaking for licensure, renewal and continuing education of elevator and lift mechanics;
6. Changes the license name of licensed elevator inspectors to differentiate private inspectors from state-employed inspectors and requires elevator contractors to register with the board;
7. Provides that a person or company that is licensed as a private elevator and lift inspector who services an elevator or lift equipment, may not inspect that equipment within 12 months of servicing the same equipment; and
8. Creates the Class E crime of criminal operation of an elevator or tramway.

Business and Economic Development

PUBLIC 599 An Act to Amend the Laws of the Board of Barbering and Cosmetology

LD 1476

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	OTP-AM	H-932
PENDLETON		

Public Law 2001, chapter 599 establishes a continuing education requirement for people engaged in the practice of cosmetology, manicuring, aesthetics and barbering and sets criteria for the applicants, the continuing education courses and the entities that provide the courses.

PUBLIC 611 An Act Concerning the Disposal and Storage of Cremains

LD 2089

Sponsor(s)	Committee Report	Amendments Adopted
LEMOINE	OTP-AM	H-908

Public Law 2001, chapter 611 enables a funeral director or practitioner of funeral services to dispose of cremains still in the possession of the director or practitioner providing 2 conditions have been met: First, the cremains have not been claimed for a period of at least 4 years from the time of cremation and second, that the funeral director or practitioner of funeral services has provided a 60-day notice by certified mail to the person who authorized the cremation. Under the law, disposal of the cremains must be done in accordance with Maine Revised Statutes, Title 13, section 1032.

PUBLIC 616 An Act to Amend the Laws Governing the Unlawful Sale of Personal Sports Mobiles and the Registration of New Snowmobiles

LD 2192

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ	H-1012 RICHARDSON
	OTP-AM MIN	

Public Law 2001, chapter 616 makes a number of changes to the laws governing the unlawful sale of new personal sports mobiles. Among other things, it amends the definition of "new personal sports mobile" to include those new personal sports mobiles not previously registered in this State or any other state or for which sales tax has not been paid in this State or any other state. The law also requires that a personal sports mobile dealer hold a valid franchise from a manufacturer to sell a new personal sports mobile. The bill also makes it a Class E crime for a person to unlawfully sell a new personal sports mobile. The law also authorizes any law enforcement officer to enforce the unlawful sales provision.

Business and Economic Development

PUBLIC 633

An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks

LD 1888

Sponsor(s)	Committee Report	Amendments Adopted
BENNETT	ONTP MAJ	H-1005 RICHARDSON
	OTP MIN	

Public Law 2001, chapter 633 does the following:

1. It creates a limited license for the manufactured housing mechanics that will give them a limited license to install outside heating oil tanks at certain manufactured housing units;
2. It limits the fee that can be charged by this limited license to \$50 biennially;
3. It requires that the manufactured housing mechanic have at least 4 hours of training from an approved course in the proper installation of outside home heating oil tanks to be issued a limited license; and
4. It changes the Oil and Solid Fuel Board membership by adding a 7th member to the board and gives service manager associations from the southern and northern parts of the State the ability to recommend board members to the Governor.

PUBLIC 639

An Act to Increase the Cap on Funds Available through the Regional Economic Development Revolving Loan Program

LD 2203

Sponsor(s)	Committee Report	Amendments Adopted

Public Law 2001, chapter 639 increases the amount a corporation may receive from the Regional Economic Development Revolving Loan Program Fund from \$1,250,000 to \$2,500,000 and makes more money available to corporations to use for reasonable administrative expenses by increasing the commitment fee from 1% to 2% and increasing the interest earnings cap from 5% to 7%.

PUBLIC 661

An Act to Implement the Recommendations of the Returnable Container Handling and Collection Study

LD 2184

Sponsor(s)	Committee Report	Amendments Adopted
		S-539 GOLDTHWAIT

Public Law 2001, chapter 661 implements the recommendations of the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers created pursuant to Joint Order 2001, H.P. 1389. Among other things, the law requires the label of each type of beverage subject to the returnable container deposit law to be registered with the Department of Agriculture, Food and Rural Resources, requires the department to maintain a register of current beverage container labels and to make that

Business and Economic Development

information available to redemption centers. The law also requires a license from the department to initiate deposits, operate a redemption center or act as a 3rd-party collection agent under the law. It also establishes a dedicated fund to pay the costs of administration and enforcement of the law by the department with the fund consisting of licensing and registration fees charged by the department. Finally, the law reestablishes the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers to examine ways to improve the efficiency of the law through redesign of the bottle redemption system, establishment of cooperative agreements, introduction of technological improvements or other methods. It also adds 2 additional members to the committee.

PUBLIC 680 An Act to Enhance Economic Development Capacity

LD 1144

Sponsor(s)	Committee Report	Amendments Adopted
MICHAUD MH	OTP-AM	S-517
SAXL		S-621 GOLDTHWAIT

Public Law 2001, chapter 680 provides an annual General Fund appropriations totaling \$4,571,000 for the Department of Economic and Community Development and provides \$1,200,000 in regional development block grants and \$200,000 to secure federal planning grants to assist communities suffering from the loss of major employers. It also provides \$500,000 for business attraction and expansion marketing efforts and \$1,000,000 to recapitalize the Maine Microenterprise Initiative. Public Law 2001, chapter 680 also provides \$200,000 over the biennium to recapitalize the fund that provides grants to avoid or alleviate the impact caused when a community loses a mature or dominant industry and provides one-time funds for the construction of the River Valley Technical Center incubator facility and matching funds for the Schoodic education and research center. It also appropriates \$35,000 in one-time funds to assist the Maine Film Office to upgrade digital technology and \$100,000 for the Maine Products Marketing Program. In addition, this Public Law appropriates \$5,000 and allocates another \$5,000 for the Community Forestry Fund, \$75,000 for the Forum Francophone, and \$10,000 to the Town of Raymond for a Community Gateways project and \$211,674 for the New Century Community Program. Finally, this Public Law allows funds in the Jobs Retention Program that become available as a result of a revocation of a certificate of approval for a certified retained business under this program to be used for grants to municipalities to retain mature or dominant employers.

PUBLIC 703 An Act to Create the Maine Rural Development Authority

LD 2212

Sponsor(s)	Committee Report	Amendments Adopted
		H-1086 RICHARDSON
		S-559 SHOREY

Public Law 2001, chapter 703 establishes the Maine Rural Development Authority as a quasi-governmental agency with the purpose of providing loans to communities for the construction of commercial facilities and leading the development or redevelopment of commercial facilities in areas where economic need has not been met by private investment. The law requires the authority to assume the administration of the community industrial building program that has been administered by the Department of Economic and Community Development and the authority's operations are dependent upon funding, which is proposed in a bond issue to be submitted to the voters in November

Business and Economic Development

2002. The Department of Economic and Community Development is responsible for the expenses necessary to establish the Maine Rural Development Authority, but the authority's ongoing operations and expenses are subject to other funding.

P & S 53	An Act to Provide for the 2002 and 2003 Allocations of the State	LD 2091
EMERGENCY	Ceiling on Private Activity Bonds	

Sponsor(s)	Committee Report	Amendments Adopted
SHOREY	OTP	
RICHARDSON		

Private and Special Law 2001, chapter 53 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2002 and 2003. Under federal law, a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2003. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2001, chapter 53 was enacted as an emergency measure effective March 12, 2002.

RESOLVE 100	Resolve, Regarding Legislative Review of Chapter 50: Variance	LD 2125
EMERGENCY	From Educational Qualifications for Issuance of an Interim	
	Forester License, a Major Substantive Rule of the Department of	
	Professional and Financial Regulation, Office of Licensing and	
	Regulation	

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

Resolve 2001, chapter 100 provides for legislative review of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a major substantive rule of the Department of Professional and Financial Regulation. The provisionally adopted rules reviewed under the resolve were adopted pursuant to Public Laws of 2001, chapter 261. The proposed rules detailed the work experience and supplemental forestry education that an applicant must demonstrate in order to qualify for a variance.

Resolve 2001, chapter 100 was finally passed as an emergency measure effective March 12, 2002.

Business and Economic Development

RESOLVE 102 **Resolve, Regarding Legislative Review of Chapter 90: Registration** **LD 2139**
EMERGENCY **of Foresters for Supervision of Unlicensed Personnel, a Major**
 Substantive Rule of the Department of Professional and Financial
 Regulation, Office of Licensing and Regulation

Sponsor(s)	Committee Report OTP	Amendments Adopted
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Resolve 2001, chapter 102 provides for legislative review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a major substantive rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulations. The provisionally adopted rules reviewed under this resolve were adopted pursuant to Public Laws of 2001, chapter 261. The rules implement a registration system that not only requires the forester to register with the board to supervise the unlicensed person, but also requires the forester to have a signed, written agreement with the unlicensed person, to accept responsibility for the activities of the unlicensed person related to the practice of forestry that are related to the person's employment or the agreement, and to register annually with the board at the time of license application or renewal.

Resolve 2001, chapter 102 was finally passed as an emergency measure effective April 3, 2002.

RESOLVE 106 **Resolve, Regarding Legislative Review of Chapter 220:** **LD 2144**
 Methodology for Identification of Regional Service Centers, a
 Major Substantive Rule of the Executive Department, State
 Planning Office

Sponsor(s)	Committee Report OTP MAJ ONTP MIN	Amendments Adopted S-515 SHOREY
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Resolve 2001, chapter 106 provides for legislative review of Chapter 220: Methodology for Identification of Regional Service Centers, a major substantive rule of the Executive Department, State Planning Office. The provisionally adopted rules reviewed under this resolve were adopted pursuant to Public Laws of 2001, chapter 90, section 1. The rules adopted establish a methodology for identifying municipalities, and, under certain circumstances, parts of municipalities, that serve as regional service centers and are identified as service center communities.

RESOLVE 124 **Resolve, to Study the Impact of a Maine-based Casino on the** **LD 2200**
 Economy, Transportation Infrastructure, State Revenues and the
 Job Market

Sponsor(s)	Committee Report OTP-AM MAJ ONTP MIN	Amendments Adopted H-1035 S-605 GOLDTHWAIT
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Business and Economic Development

Resolve 2001, chapter 124 establishes the Task Force to Study the Impact of a Maine-based Casino. Membership of the 18-member task force is comprised of Legislators, including a tribal representative, the Attorney General, the Chief of State Police, the Commissioner of Transportation, a member of the Maine Sheriffs' Association, members of the public and others. The task force is charged with estimating the impact of a casino on municipal services, social services, affordable housing, business activity and criminal activity within a 25-mile radius of a proposed casino and the impact on other forms of gambling that are legally conducted in the State, as well as the impact of a casino upon employment, the transportation infrastructure the State's economy and the State's revenues. The task force is limited to 4 meetings, one of which may be a public hearing in the Augusta area. It requires the task force to submit a report to the joint standing committees of the Legislature having jurisdiction over business and economic development matters and gambling matters by November 6, 2002.

Criminal Justice

PUBLIC 472 An Act to Clarify the Law Enforcement Authority of Capitol EMERGENCY Security Personnel

LD 2079

Sponsor(s)	Committee Report	Amendments Adopted
SAXL BENNETT		

Public Law 2001, chapter 472 provides an exemption from mandatory training for security officers appointed by the Commissioner of Public Safety when the commissioner has expanded their authority to include law enforcement duties and powers. Public Law 2001, chapter 472 specifies that the Legislature may direct the provision of security to legislative offices. Public Law 2001, chapter 472 also includes a sunset provision that repeals the security officer training exemption December 31, 2002.

LD 2079, which was enacted as Public Law 2001, chapter 472, was not referred to committee. Public Law 2001, chapter 472 was enacted as an emergency measure effective January 22, 2002.

The sunset on the training exemption enacted in Public Law 2001, chapter 472 was repealed and new training requirements were enacted by Public Law 2001, chapter 559, Part KK.

PUBLIC 474 An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel

LD 1657

Sponsor(s)	Committee Report	Amendments Adopted
POVICH	OTP	

Public Law 2001, chapter 474 repeals the requirement that, prior to being licensed as an emergency medical services person, a person must be sponsored by a Maine licensed ambulance service or nontransporting emergency medical service.

PUBLIC 475 An Act to Clarify Rule-making Authority for the Office of the State Fire Marshal

LD 1956

Sponsor(s)	Committee Report	Amendments Adopted
POVICH O'GARA	OTP	

Public Law 2001, chapter 475 grants rule-making responsibility regarding standards for smoke detectors to the Commissioner of Public Safety or the commissioner's designee. Rules adopted pursuant to this Public Law are routine technical rules. Public Law 1997, chapter 728 repealed the State Fire Marshal's authority to enact rules regarding smoke detectors under the Maine Revised Statutes, Title 25, section 2464.

Criminal Justice

PUBLIC 477 An Act to Ensure Victim Safety

LD 1846

Sponsor(s)
PEAVEY

Committee Report
OTP

Amendments Adopted

Public Law 2001, chapter 477 amends the law regarding public disclosure of information to clarify that disclosure pertains to out-of-state probationers and parolees only if they are adults, which is consistent with the law for disclosure of information regarding in-state probationers and parolees. Public Law 2001, chapter 477 also expands the Commissioner of Corrections' ability to determine if disclosure of information would be detrimental to the welfare of clients to include those who are on probation or parole to protect them from domestic or other violence.

PUBLIC 483 **An Act to Repeal the Sunset Provision Regarding the State Police**
EMERGENCY **Providing Services at Cost to Governmental and Nongovernmental**
 Entities

LD 1954

Sponsor(s)
PEAVEY

Committee Report
OTP-AM

Amendments Adopted

H-766

Public Law 2001, chapter 483 repeals language that would sunset the State Police's ability to provide services for public safety purposes at cost to governmental and nongovernmental entities. The Second Regular Session of the 119th Legislature expanded the statute to authorize the State Police to charge private entities for providing services.

Public Law 2001, chapter 483 was enacted as an emergency measure effective February 21, 2002.

PUBLIC 508 An Act to Improve the Juvenile Drug Court Program

LD 1850

Sponsor(s)
MCALEVEY

Committee Report
OTP

Amendments Adopted

Public Law 2001, chapter 508 extends from 12 months to 15 months the time available for juveniles to complete a juvenile drug treatment court program.

**PUBLIC 517 An Act to Allow Private Psychiatric Hospitalization of Residents of
Department of Corrections Juvenile Facilities**

LD 1961

Sponsor(s)
POVICH

Committee Report
OTP-AM

Amendments Adopted

H-796

Public Law 2001, chapter 517 allows juveniles needing psychiatric hospitalization to be admitted to private facilities for psychiatric care under the Commissioner of Corrections' statutory guardianship, as they may now be admitted to private facilities for medical care under the commissioner's guardianship.

Criminal Justice

The Commissioner of Corrections is subject to the same statutory provisions as a parent or legal guardian when seeking to admit a juvenile client to a psychiatric hospital. Prior to enactment of this Public Law, Maine law authorized psychiatric hospitalization of persons confined in Department of Corrections facilities only in state mental health institutes. While the state mental health institutes have beds for adults, they do not have and do not plan to have beds for juveniles.

PUBLIC 529 An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements LD 2112

Sponsor(s)	Committee Report OTP	Amendments Adopted
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Public Law 2001, chapter 529 was a committee bill that replaced LD 1903, "Resolve, to Provide Computers to Rural Fire Stations." Public Law 2001, chapter 529 specifies that a fire department may purchase one personal computer from the Department of Administrative and Financial Services, Bureau of General Services to be used for the purpose of meeting the department's reporting requirements to the State Fire Marshal under the Maine Revised Statutes, Title 25, section 2395. The Bureau of General Services may charge a fire department only the reasonable administrative and handling costs of no more than \$35 for the purchase of a personal computer under this law.

PUBLIC 531 An Act Regarding Fire Safety Laws for Residential Care Facilities LD 1997

Sponsor(s) FULLER LONGLEY	Committee Report OTP-AM	Amendments Adopted H-833
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Public Law 2001, chapter 531 provides that prior to being licensed a residential care facility must be certified as meeting certain provisions of the National Fire Protection Association Life Safety Code. Residential care facilities must use timed drills unless the facility has elected to complete evacuation scores in lieu of timed drills or timed drills are not required. Public Law 2001, chapter 531 specifies that it is a civil violation for failure to comply with the timed drill or evacuation score requirements.

PUBLIC 549 An Act Regarding Possession of Firearms by Prohibited Persons LD 681

Sponsor(s) CARR KILKELLY	Committee Report OTP-AM	Amendments Adopted H-862
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Public Law 2001, chapter 549 does the following.

1. It amends the headnote of the Maine Revised Statutes, Title 15, chapter 15 to more accurately reflect the intent of the law.
2. In order to address potential inequities that may result from the differences in other states' laws as compared to Maine's laws, it clarifies language regarding who is prohibited from possessing

Criminal Justice

a firearm to include persons convicted of or found not criminally responsible by reason of mental disease or defect of committing the following:

- A. A crime in this State that is punishable by imprisonment for one year or more;
 - B. A crime under the laws of the United States that is punishable by imprisonment for more than one year;
 - C. A crime under the laws of any other state that is punishable by imprisonment for more than one year, except that a crime punishable by imprisonment for more than one year does not include any state misdemeanor that is punishable by a term of imprisonment of 2 years or less;
 - D. A crime under the laws of any other state that is not punishable by more than one year of imprisonment but is elementally substantially similar to a crime in this State that is punishable by imprisonment for one year or more, thus ensuring that if another state has determined that a particular offense is not serious but the Maine Legislature has determined that an elementally substantially similar offense is murder or a Class A, B or C crime if committed in Maine, the person who committed the offense would be prohibited from possession; or
 - E. A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation that was committed using a firearm against a person or using any other dangerous weapon.
- 3. It repeals an improper reference to violations of former Title 12, chapter 319, subchapter III as exceptions to the possession prohibition; this subchapter was repealed earlier.
 - 4. It defines "not criminally responsible by reason of mental disease or defect," "State," "state" and "use of a dangerous weapon" for purposes of Title 15, section 393.
 - 5. It clarifies that as a precondition to disqualification for possession of a firearm under Title 15, section 393, subsection 1, paragraph A-1, subparagraph (5) the use of a firearm against a person or the use of a dangerous weapon must be pled in the charging instrument and proven to the fact finder rather than simply being part of the underlying factual matrix of the crime as committed.
 - 6. It amends cross-references in the concealed firearms permit law to be consistent with the proposed changes in this Public Law.

PUBLIC 552 An Act Regarding Criminal History Record Checks

LD 1989

Sponsor(s) PEAVEY	Committee Report OTP-AM	Amendments Adopted H-863
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Public Law 2001, chapter 552 amends the laws regarding criminal history records as follows.

- 1. It discontinues the practice of subsidizing the cost of criminal history record checks for noncriminal justice purposes for out-of-state and federal governmental entities.

Criminal Justice

2. It clarifies that the State Bureau of Identification may charge a fee for each requested criminal history record check for noncriminal justice purposes and that the requestor must supply a name and date of birth for each record being requested.
3. It clarifies that criminal history record checks requested pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints.
4. It authorizes a law enforcement agency that takes fingerprints and palm prints for noncriminal justice purposes to submit the fingerprints or palm prints directly to the State Bureau of Identification when required by statute or when the person requesting that the fingerprints or palm prints be taken asks the law enforcement agency to do so.
5. It specifies that a law enforcement agency that takes fingerprints or palm prints, upon request, for a criminal history record check for noncriminal justice purposes may not maintain any demographic information that is taken or collected in the process of taking the fingerprints or palm prints.

PUBLIC 553 An Act to Clarify the Sex Offender Registration and Notification
EMERGENCY Act of 1999

LD 2022

Sponsor(s)	Committee Report	Amendments Adopted
O'BRIEN J	OTP-AM	H-865

Public Law 2001, chapter 553 clarifies the Sex Offender Registration and Notification Act of 1999.
Public Law 2001, chapter 553 does the following.

1. It defines "sentence" to include an involuntary commitment under the Maine Revised Statutes, Title 15, section 103, or a similar statute in another jurisdiction.
2. It clarifies the definition of "sexually violent offense."
3. It clarifies when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after September 18, 1999.
4. It clarifies when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after June 30, 1992, but before September 18, 1999.
5. It amends Title 34-A, section 11225, subsection 1 to delete "sexually violent predator" since that category of offender is not subject to a 10-year registration requirement. Sexually violent predators are instead subject to lifetime registration.
6. It clarifies how the 10-year registration period for sex offenders is to be calculated for those sentenced on or after June 30, 1992, but before September 18, 1999.
7. It clarifies that a sexually violent predator sentenced on or after June 30, 1992 must register for the duration of the sexually violent predator's life.

Criminal Justice

8. It clarifies that the Department of Public Safety, State Bureau of Identification may suspend the requirement that a sexually violent offender register during periods when the person is not at liberty due to institutional confinement.
9. It amends Title 34-A, section 11227 by replacing the word "convicted" with the word "sentenced."

Public Law 2001, chapter 553 was enacted as an emergency measure effective March 25, 2002.

PUBLIC 582	An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies	LD 2090
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Sponsor(s)	Committee Report	Amendments Adopted
SMALL	OTP-AM	S-457
PEAVEY		

Public Law 2001, chapter 582 directs the Attorney General, the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine State Troopers Association and the Maine Association of Police to report their findings related to this Public Law's change in the law enforcement solicitation statute, which allows persons to solicit the public for the tangible benefit of law enforcement as long as the solicitor has no financial interest in the solicitation, to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by May 1, 2003. Upon receiving that report and reviewing the law, the committee may report out legislation to amend the law if necessary. If the committee takes no action, the amendment to the solicitation law will be repealed February 1, 2004, and the former law prohibiting solicitation by anyone on behalf of law enforcement officers will be reenacted.

Public Law 2001, chapter 582 also adds a legislative intent section that clarifies that, for purposes of solicitation to benefit law enforcement, the Legislature finds that there is no inherent coercion or appearance of coercion when the person soliciting has no financial interest at stake, because the person solicited will know that the person soliciting will not gain any tangible benefit from the solicitation and, consequently, will not be concerned with who donates.

PUBLIC 602	An Act to Allow Federal Law Enforcement Officers to Enforce Maine Statutes	LD 1955
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Sponsor(s)	Committee Report	Amendments Adopted
PEAVEY	OTP-AM	H-927

Public Law 2001, chapter 602 adds Special Agents of the United States Secret Service of the Department of the Treasury to the list of federal law enforcement agency personnel who can enforce Maine statutes provided the personnel are trained in Maine criminal law and Maine law on the use of force and that the agency has developed and filed policies governing its employees with the Maine Criminal Justice Academy. Public Law 2001, chapter 602 also repeals the United States Secret Service's authority to enforce Maine law July 1, 2004.

PUBLIC 627	An Act to Protect Police Horses	LD 1932
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Criminal Justice

Sponsor(s)
DUDLEY
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-834

Public Law 2001, chapter 627 creates the new crime of unlawful interference with law enforcement horses, which provides horses used for law enforcement purposes with the same protections that police dogs currently have under the Criminal Code.

PUBLIC 634 An Act to Amend the Maine Criminal Code to Address Terrorism LD 2160

Sponsor(s)
BENNETT
POVICH

Committee Report
OTP-AM

Amendments Adopted
S-499

Public Law 2001, chapter 634 makes the following changes to the Maine Criminal Code to address terrorism.

1. It adds definitions to the Maine Criminal Code to address scientific advances in the methods that may be used to commit the crime of causing a catastrophe and creates the new definition "terroristic intent."
2. It amends the crime of elevated aggravated assault to include when a person with terroristic intent engages in conduct that in fact causes serious bodily injury to another person.
3. It creates the crime of aggravated reckless conduct. A person is guilty of this crime if the person with terroristic intent engages in conduct that in fact creates a substantial risk of serious bodily injury to another person.
4. It amends the crime of causing a catastrophe if the person acts with terroristic intent by lowering the threshold for harm to causing death or serious bodily injury to more than one person, substantial damage to 3 or more structures, whether or not occupied, or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.

PUBLIC 659 An Act Relating to the Treatment of Persons with Mental Illness Who are Incarcerated LD 2068

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1020
S-579 GOLDTHWAIT

Public Law 2001, chapter 659 implements, with a few changes, a number of the provisions of legislative documents 2065, 2068, 2075 and 2088, which were reported by the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. Public Law 2001, chapter 659 does the following.

Criminal Justice

1. It directs the Department of Behavioral and Developmental Services to examine the efficiency and effectiveness of the current ride-along program.
2. It directs the Department of Human Services to establish procedures to ensure that a person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility merely as a result of that incarceration.
3. It directs the Department of Behavioral and Developmental Services to work with the Department of Corrections and the county jail administrators to develop memoranda of agreement to improve access to forensic beds for transfers of inmates who require care in a State mental health institution.
4. It directs the Department of Behavioral and Developmental Services to develop, in consultation with appropriate state and county correctional facility administrators, procedures to ensure that any inmate of a state or county facility that is hospitalized for treatment of mental illness has a written treatment plan describing the mental health treatment to be provided when the inmate is returned to the correctional facility for the remainder of the inmate's incarceration.
5. It directs the Department of Corrections and the Maine County Jail Association to examine and develop ways of treating inmates with mental illness in the least restrictive setting possible that does not compromise security.
6. It allows county jails to grant furloughs for longer than 3 days to provide treatment for mental conditions, including a substance abuse condition, as determined by a qualified licensed professional.
7. It creates a collaborative process to create a pilot program to address the needs of persons with mental illness who are incarcerated in country correctional facilities and appropriates \$65,000 to the program.
8. It requires the formulary used by the Department of Corrections to be comparable to that used at State mental institutions.
9. It directs the Department of Corrections to develop a grievance process for addressing complaints about medical or mental health treatment.

PUBLIC 686

**An Act to Implement the Recommendations of the Commission to
Study Domestic Violence**

LD 2163

Sponsor(s)	Committee Report		Amendments Adopted	
	OTP	MAJ	H-883	
	OTP-AM	MIN	S-617 GOLDTHWAIT	

Public Law 2001, chapter 686 was a committee bill and the minority report of the Joint Standing Committee on Criminal Justice. Public Law 2001, chapter 686 implements a number of recommendations from the Commission to Study Domestic Violence, pursuant to Resolve 1999, chapter 126. Public Law 2001, chapter 686 does the following.

Criminal Justice

1. It amends the law regarding bail commissioners to specify that, in a case involving domestic violence, a bail commissioner may not set preconviction bail for a defendant before the bail commissioner has made a good faith effort to obtain from the arresting officer, the district attorney, a jail employee or other law enforcement officer, the following: a brief history of the alleged abuser; the relationship of the parties; the name, address, phone number and date of birth of the victim; and existing conditions of protection from abuse orders, conditions of bail and conditions of probation.
2. It amends the requirements of law enforcement agencies to develop certain policies by specifying that policies regarding domestic violence must include, at a minimum, the following: a process to ensure that victims receive notification of the defendant's release from jail; a risk assessment for a defendant that includes the defendant's previous history, the parties' relationship, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made; and a process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and at least 24 hours notice to each party prior to the retrieval.
3. It enacts language that authorizes district attorneys to appoint law enforcement officers as domestic violence investigators. As proposed, investigators would have to meet the requirements of the Maine Revised Statutes, Title 25, section 2804-C and be certified as full-time law enforcement officers. Domestic violence investigators have the same statutory powers as deputy sheriffs.
4. It requires the Department of Corrections to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the work of batterers intervention programs.

PUBLIC 697

An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act

LD 2173

Sponsor(s)

Committee Report

Amendments Adopted
S-551 GOLDTHWAIT

Public Law 2001 chapter 697 was a Criminal Justice Committee bill and the majority report of that committee. Public Law 2001 chapter 697 implements recommendations pursuant to the committee's review of the Department of Public Safety under the State Government Evaluation Act. Public Law 2001 chapter 697 does the following.

1. It removes Maine Emergency Medical Services from the list of agencies that the joint standing committee of the Legislature having jurisdiction over human resource matters reviews for purposes of the State Government Evaluation Act, since the agency is already under the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice matters.
2. It exempts from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement.

Criminal Justice

3. It extends from January 1, 2004 to January 1, 2005 the time by which all persons whose job descriptions include operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient.
4. It allocates Other Special Revenue funds in the amount of \$49,520 for one public health educator position that has no net impact for fiscal year 2002-03 to provide one trainer and authorizes the use of federal grant proceeds for additional training costs.
5. It directs the Department of Public Safety, Bureau of Emergency Medical Services to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the progress of the training and certification of ambulance operators by February 1, 2004.

**PUBLIC 698 An Act to Amend the County Jail Prisoner Support and
Community Corrections Fund**

LD 2175

Sponsor(s)	Committee Report	Amendments Adopted
		H-1115 QUINT
		S-602 GOLDTHWAIT

Public Law 2001, chapter 698 was a Criminal Justice Committee bill that creates a new 1% surcharge on all fines, forfeitures and penalties imposed by any court in this State. Funds collected pursuant to Public Law 2001, chapter 698 are nonlapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the Department of Corrections. Funds collected pursuant to this Public Law must be distributed by the department to counties that have experienced at least a 10% increase in their total annual jail operating budget or for counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 4. Funds distributed to counties must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections. Public Law 2001, Chapter 698 specifies that requests for additional funds received from York, Hancock and Somerset counties no later than February 28, 2002 need not be resubmitted to the Department of Corrections. Once a request is approved, the request and supporting documents must be forwarded to the joint standing committee having jurisdiction over corrections and criminal justice matters.

In addition to funds distributed to counties, the first \$23,658 collected under the provision imposing the new surcharge must be transferred to the Judicial Department to cover the costs of implementing the collection of surcharges. Public Law 2001, chapter 698 is effective August 1, 2002.

Criminal Justice

PUBLIC 713 An Act Amending the Membership of the Emergency Medical Services' Board

LD 2219

Sponsor(s)	Committee Report OTP MAJ	Amendments Adopted
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Public Law 2001, chapter 713 adds one representative of a statewide association of fire chiefs to the membership of the Emergency Medical Services' Board. Public Law 2001, chapter 713 was a committee bill pursuant to Joint Order, House Paper 1703.

**P & S 67 An Act to Provide Funding for the Office of the State Fire Marshal
EMERGENCY and the Maine Fire Training and Education Program**

LD 2201

Sponsor(s)	Committee Report OTP	Amendments Adopted
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Private and Special Law 2001, chapter 67 provides funds for the operation of the Office of the State Fire Marshal and for the Maine Fire Training and Education Program. Private and Special Law 2001, chapter 67 establishes a one-year special assessment to be collected from carriers insuring fire risks located in the State. This special assessment is designed to provide operating revenues for the Office of the State Fire Marshal and funds for the Maine Fire Training and Education Program for fiscal year 2002-03. Beginning July 1, 2003, every fire insurance company or association that does business or collects premiums or assessments in Maine that paid this special assessment after July 1, 2002 may take a credit against its premium tax owed equal to the special assessment paid in the same month the previous year.

Private and Special Law 2001, chapter 67 was enacted as an emergency measure effective April 8, 2002.

**RESOLVE 86 Resolve, Regarding Legislative Review of Chapter 1 - Requirements
EMERGENCY for Written Prescription of Schedule II Drugs, a Major Substantive
Rule of the Department of Public Safety**

LD 2126

Sponsor(s)	Committee Report OTP	Amendments Adopted
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Resolve 2001, chapter 86 provides for legislative review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a major substantive rule of the Department of Public Safety. The Joint Standing Committee on Criminal Justice authorized final adoption of the rule without amendment.

Resolve 2001, chapter 86 was enacted as an emergency measure effective March 27, 2002.

Criminal Justice

RESOLVE 87 **Resolve, Directing the Department of Public Safety, Maine**
EMERGENCY **Emergency Medical Services, Medical Direction and Practices**
 Board to Review and Update Protocols for Training Basic
 Emergency Medical Technicians to Administer Epinephrine

LD 2039

Sponsor(s)	Committee Report	Amendments Adopted
TRAHAN	OTP-AM	H-864

Resolve 2001, chapter 87 directs the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to review and update protocols and training for basic emergency medical technicians to carry and administer epinephrine. In developing its protocols and training, the board shall review other states' medical practices regarding emergency medical personnel carrying and administering epinephrine, and the board shall treat the issue of developing protocols for the administration of epinephrine to school-age children as a priority in this process. The board shall report its recommendations and subsequent actions regarding protocols and training for the carrying and administering of epinephrine by basic emergency medical technicians to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2003. Resolve 2001, chapter 87 authorizes the committee to report out implementing legislation if necessary.

Resolve 2001, chapter 87 was enacted as an emergency measure effective March 28, 2002.

RESOLVE 91 **Resolve, to Require the Maine Fire Protection Services Commission**
 to Report Regarding Methods to Improve the Recruitment and
 Retention of Firefighters and the Provision of Healthcare

LD 2148

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

Resolve 2001, chapter 91 requires the Maine Fire Protection Services Commission to report back to the Legislature regarding the recruitment and retention of firefighters in Maine and regarding the provision of health care to firefighters. The commission shall submit its report and implementing legislation to the Legislature by December 16, 2002.

PASSED **JOINT STUDY ORDER – Relative to the Joint Standing**
 Committee on Criminal Justice Shall Conduct a Study of County
 Jail Population, Costs and Reimbursement.

HP 1731

Sponsor(s)	Committee Report	Amendments Adopted

Joint Order, HP 1731 was read and passed by the Legislature on April 3, 2002. This Joint Order orders the Joint Standing Committee on Criminal Justice to conduct a study of county jail population, costs and reimbursement. The committee will conduct the study in 4 meetings during the interim. Specifically, the committee shall study:

1. Initiatives for regional cooperation and solutions in building county jails;

Criminal Justice

2. Population of county jails, overcrowding and growth;
3. State probation violations, where those violations should be served and who should pay for the resulting incarceration;
4. Probation options, graduated sanctions and probation officer case load;
5. Criminal court case loads, whether cases are being handled in a timely fashion and whether there are sufficient judicial resources allocated to handle the current case load;
6. Issues concerning female offenders in county jails;
7. State subsidies that support the operation of county jails and community corrections programs;
8. Alternative sentencing options and sentencing policies; and
9. The population that is being served and populations that are not served by the current county jail system.

The committee shall submit its report, together with any necessary implementing legislation, to the Legislature no later than November 6, 2002.

Education and Cultural Affairs

PUBLIC 480 An Act to Make Technical Changes to the Maine State Grant Program

LD 2042

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	OTP	
RICHARD		

Public Law 2001, chapter 480 amends the provisions of the student incentive scholarship program administered by the Finance Authority of Maine by eliminating the need that the student applicant be eligible for a Pell Grant to receive an award under the program.

PUBLIC 506 An Act to Hold the Bureau of General Services Accountable for Services Provided for School Construction Projects

LD 475

Sponsor(s)	Committee Report	Amendments Adopted
NASS	OTP-AM	H-814
LONGLEY		

Public Law 2001, chapter 506 requires the Bureau of General Services to furnish reports to the project unit school board and the State Board of Education concerning the services provided on school construction projects. It also requires the State Board of Education, the Bureau of General Services and the Department of Education to report back to the joint standing committee of the Legislature having jurisdiction over education matters by December 31, 2002 on the results of a survey to assess the level of satisfaction for school construction services provided by the Bureau of General Services.

PUBLIC 510 An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules

LD 1977

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP	
ROTUNDO		

Public Law 2001, chapter 510 designates as major substantive rules those rules establishing and maintaining a statewide network that ensures the provisions of Childfind and rules governing the eligibility for and delivery of free appropriate public education for children with disabilities from birth to 5 years of age and their families.

PUBLIC 519 An Act to Abolish the Educational Leave Advisory Board

LD 2115

Sponsor(s)	Committee Report	Amendments Adopted

Public Law 2001, chapter 519 terminates the Educational Leave Advisory Board. It retains language that declares the educational leave program for state employees to be in the public interest.

Education and Cultural Affairs

PUBLIC 534

An Act Regarding Provisional Certification for Teachers and Administrators

LD 2021

Sponsor(s)
RICHARD
SMALL

Committee Report
OTP-AM

Amendments Adopted
H-815

Public Law 2001, chapter 534 amends the law regarding the certification for school administrators and teachers by incorporating performance standards for provisional teacher certification and allows the State Board of Education to determine competency areas for school administrators. The rules governing certification of provisional teachers, superintendents, principals and directors of vocational education are designated as major substantive rules.

PUBLIC 588

An Act Regarding the Local Governance of School Administrative Units

LD 2143

Sponsor(s)

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
S-479

Public Law 2001, chapter 588 implements the recommendations of the interim report of the Task Force on School Governance convened by the State Board of Education at the request of the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 120th Legislature. The law amends provisions of the education statutes to clarify the respective roles and responsibilities of school board members and school superintendents in governing and administering local school administrative units. Under this law, the primary role and responsibilities of school board members are to serve as policymakers for the school administrative units, and the role and responsibilities of school superintendents are to serve as education leaders and administrators for the school administrative units.

PUBLIC 644

An Act Concerning Student Threats

LD 1975

Sponsor(s)
NORTON
EDMONDS

Committee Report
OTP-AM

Amendments Adopted
H-922
S-546 GOLDTHWAIT

Public Law 2001, chapter 644 adds the phrase "students threatening death or bodily harm to others" to the list of types of behaviors in the student code of conduct that would require policies and procedures to be established for removing a student from the classroom.

Education and Cultural Affairs

PUBLIC 658

**An Act to Implement the Recommendations of the Blue Ribbon
Commission on Postsecondary Educational Attainment**

LD 2102

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted
		S-460
		S-578 GOLDTHWAIT

Public Law 2001, chapter 658 implements certain recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment. The law establishes the Maine Higher Educational Attainment Council -- a 16-member body appointed jointly by the Governor, the President of the Senate and the Speaker of the House -- to develop a long-term plan for increasing the level of educational attainment in the State and to provide a unified voice for higher education in the State. The law requires that the council is to be equally funded by government and the private sector; and also provides a \$40,000 General Fund appropriation to the Maine Development Foundation for the State's share of supporting the council. Finally, the law requires the council to report annually to the Legislature and the joint standing committee of the Legislature having jurisdiction over education matters on the implementation of its long-term plan and any recommended changes to the long-term plan.

PUBLIC 660

An Act Regarding Essential Programs and Services

LD 2103

Sponsor(s)	Committee Report OTP-AM MAJ ONTP MIN	Amendments Adopted
		H-1002
		S-540 GOLDTHWAIT

Public Law 2001, chapter 660 was reported from the Joint Standing Committee on Education and Cultural Affairs pursuant to 2001 Joint Order, House Paper 1579. The law defines "essential programs and services" as those educational resources that are identified for all students to meet the standards in the 8 content standard subject areas of the system of learning results; and establishes a timeline for a transition to a new school funding approach, based on essential programs and services no later than 2007-08, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results. The law also:

1. Provides that funding essential programs and services is a state-local partnership and that the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must be at least 50% of eligible state and local General Fund education costs statewide no later than fiscal year 2007-08;
2. Clarifies the components of essential programs and services to be funded on a per-pupil basis, addresses resources for specialized student populations, defines major cost components to be determined on other than a per-pupil basis and provides for targeted grants; and clarifies that local school administrative units retain the authority to determine how to expend funds once they are received from the State, with the exception of the targeted grants;
3. Directs the Commissioner of Education and the State Board of Education to prepare an alternative recommended funding level based on essential programs and services for fiscal year 2003-04, in addition to the recommended funding level for fiscal year 2003-04 as provided under current law;

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4. Provides for a report from the State Board of Education and the Commissioner of Education on a comprehensive transition plan, including proposed revisions to the school finance laws, to be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in January 2003;
5. Clarifies the issues to be studied further by the State Board of Education, the Department of Education and the Education Research Institute related to implementing the essential programs and services model; and requires that this study also consider findings and recommendations related to the impact of the essential programs and services on tax effort;
6. Provides for a waiver of certain statutory provisions related to the timeline established for the implementation of the system of learning results so that these required implementation dates will align with the timeline established for full implementation of a new school funding approach based on essential programs and services, which must be fully implemented no later than fiscal year 2007-08; and
7. Provides for the establishment of the Task Force to Review the Status of Implementation of the System of Learning Results to assess the status of implementation of the system of learning results in schools throughout the State.

PUBLIC 700

An Act to Supplement Maine's Academic Attainment and to Retain Talent

LD 2162

Sponsor(s)	Committee Report	Amendments Adopted
SAXL	OTP-AM MAJ	H-1055
BENNETT	ONTP MIN	S-616 COMMITTEE OF CONFERENCE

Public Law 2001, chapter 700 establishes a tax credit for individuals or corporations that provide a contribution that promotes the postsecondary educational attainment of Maine residents or that promotes the recruitment and retention of college-educated persons to work in Maine. To accomplish these purposes, the law enacts the following provisions:

1. It provides tax credits against the income tax and the insurance premium tax equal to a certain proportion, 10% during taxable years beginning in 2003, 20% for taxable years beginning in 2004 and 50% for taxable years beginning after 2004, of the amount contributed by an individual or corporation to a qualified scholarship organization that is a private, nonprofit 501(c)(3) corporation that provides need-based scholarships and is either affiliated with an accredited public or private institution of higher education in the State or that has filed as a nonprofit corporation with the Secretary of State on or before April 1, 2002 and remains in good standing;
2. It provides recruitment tax credits against the income tax and the insurance premium tax equal to a certain proportion, 10% during taxable years beginning in 2003 or 15% for taxable years beginning after 2003, of the amount paid by an employer to a creditor on behalf of certain employees for the purpose of repaying the employee's outstanding postsecondary education loans;
3. It provides that the total tax credit may not exceed \$2,000 for an individual taxpayer or \$10,000 for each taxpayer who is a corporation or an employing unit. It also provides that the contribution may

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not directly benefit the taxpayer claiming the credit or those directly related to a taxpayer that is claiming the credit. It further provides that the tax credits may not reduce the contributor's Maine income tax to less than zero but may be carried over for 5 taxable years;

4. It requires annual reporting of the costs and effectiveness of the tax credit programs by the Finance Authority of Maine, in conjunction with the Department of Administrative and Financial Services, Maine Revenue Services, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters;
5. It authorizes the Finance Authority of Maine to establish routine technical rules for the application, eligibility and annual filing requirements necessary to implement the certification of qualified scholarship organizations, including any rules necessary to establish fees and penalties to ensure that a qualified scholarship organization is fulfilling its purpose in accordance with this tax program. The authority is also required to submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters by January 30, 2003 on the rule-making process and rules established to implement the tax credits;
6. It places a contingent effective date on the initial tax credit scheduled to take effect for the 2003 tax year. The tax credit of 10% would only take effect if there are sufficient funds in the General Fund unappropriated surplus at the close of fiscal year 2001-02 to cover the cost of the tax credit, estimated to be \$271,294. The tax credit for tax years after 2003 is unaffected by the contingency; and
7. It establishes that, beginning January 1, 2003 and pursuant to legislation that may be enacted during the Second Regular Session of the 120th Legislature to implement the recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment, the advisory council established to address policies related to higher education attainment in the State shall review the policy alternatives available to the Legislature in creating an endowment fund for the benefit of eligible residents of the State to meet the high cost of attending an institution of higher education. The advisory council shall submit a report, including any suggested legislation, by December 1, 2003. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the Second Regular Session of the 121st Legislature.

PUBLIC 704

An Act to Implement the Recommendations of the Secretary of State and the University of Maine System to Develop a Comprehensive Plan for Preserving and Protecting Historical Records and Access to Those Records

LD 2209

Sponsor(s)

Committee Report

Amendments Adopted
S-603 GOLDTHWAIT

Public Law 2001, chapter 704 implements certain recommendations included in the comprehensive plan for preserving and protecting historical records and access to those records developed by the Secretary of State, the University of Maine System and the Maine Historical Records Advisory Board. The law enacts provisions included in a bill introduced by the Joint Standing Committee on Education and

Education and Cultural Affairs

Cultural Affairs pursuant to the authority provided to the committee under Resolve 2001, chapter 10. The law directs each local government to respond to a survey distributed biennially by the State Archivist regarding the adequacy of the measures taken by the local government to comply with existing statutory requirements regarding the provision of a fireproof safe or vault for the preservation of records and the retention and preservation of archival records currently in a digital format.

The law also codifies in statutes the existing Maine Historical Records Advisory Board, established pursuant to Executive Order No. 7 on January 30, 1989, and permits the members currently serving on this advisory board to continue serving their terms of office as initial members of the statutory advisory board. The law further requires that the Governor, beginning with the 2004-2005 biennium, include in the budget submitted to the Legislature each biennium a line item to permit expenditure of nonstate General Fund revenues, including federal funds, grants or gifts and a proposed line item to support a full-time position funded from nonstate General Fund revenues.

P & S 46	An Act to Authorize the Yarmouth School Department to use the	LD 2048
EMERGENCY	Construction-Manager-at-Risk Method of Construction Delivery	
	for Locally Funded School Projects	

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP	
BUCK		

Private and Special Law 2001, chapter 46 authorizes the Yarmouth School Department to construct locally funded improvements to the Yarmouth High School and the Rowe School in the Town of Yarmouth by the construction-manager-at-risk method of construction delivery rather than the design-bid-build method of construction delivery.

Private and Special Law 2001, chapter 46 was enacted as an emergency measure effective February 7, 2002.

P & S 52	An Act to Increase the Debt Limit of the Calais School District	LD 2074
EMERGENCY		

Sponsor(s)	Committee Report	Amendments Adopted
SHOREY	OTP-AM	S-443
MORRISON		

Private and Special Law 2001, chapter 52 amends the charter of the Calais School District to permit the lease purchase of administrative space and raises the debt limit of the Calais School District from \$6,000,000 to 10% of the most recent state valuation of the City of Calais. The amendment also clarifies the referendum question to be submitted to the legal voters within the City of Calais regarding this proposed charter amendment.

Private and Special Law 2001, chapter 52 was enacted as an emergency measure effective March 12, 2002.

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P & S 54

**An Act to Increase the Number of Alternative Delivery Pilot
Projects for School Construction and to Increase the Maximum
Project Cost of Projects Eligible for Alternative Delivery**

LD 1864

Sponsor(s)
RICHARD
PENDLETON

Committee Report
OTP-AM

Amendments Adopted
H-879

Private and Special Law 2001, chapter 54 amends certain provisions of Private and Special Law 1999, chapter 79, which authorized school administrative units to use alternative delivery methods for school construction projects. The law accomplishes the following.

1. It authorizes 10 additional "construction-manager-at-risk" alternative delivery projects for school construction, including 5 projects that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 and 5 projects that exceed \$10,000,000 in total project cost.
2. It authorizes 2 additional "design-build" alternative delivery projects for school construction and increases the cap on total project cost for the 4 projects from \$10,000,000 to \$20,000,000.
3. It amends the authorization regarding the "design-build" and the "construction-manager-at-risk" alternative delivery methods for school construction projects to be consistent with the prequalification procedures devised for the alternative delivery methods established in the Maine Revised Statutes, Title 5, section 1743 for public improvement projects.
4. It establishes an assessment team to evaluate the relative advantages and disadvantages of the alternative delivery methods employed during the 5-year pilot program, including but not limited to an analysis of the comparative costs and benefits of these methods for school construction projects to those found using the traditional competitive design-bid-build method.
5. It clarifies the eligible project authorization provisions to more accurately reflect the legislative intent of the authorizing legislation.

P & S 61

EMERGENCY

**An Act to Change the Governing Board of the George Stevens
Academy in Blue Hill**

LD 2142

Sponsor(s)
VOLENIK

Committee Report
OTP-AM

Amendments Adopted
H-921

Private and Special Law 2001, chapter 61 makes changes to the composition of the board of trustees of the George Stevens Academy in the Town of Blue Hill. The law also repeals the provision providing for a joint committee between the academy and nearby towns.

Private and Special Law 2001, chapter 61 was enacted as an emergency measure effective April 1, 2002.

Education and Cultural Affairs

**RESOLVE 77 Resolve, to Examine the Doctorate-level Educational Opportunities
Available Through the University of Maine System**

LD 535

Sponsor(s)	Committee Report	Amendments Adopted
DUNLAP	OTP-AM	H-813
NUTTING J		

Resolve 2001, chapter 77 directs the Board of Trustees of the University of Maine System to establish a review of doctorate-level educational opportunities provided through the University of Maine System and to provide a report to the Legislature by December 1, 2002. The resolve also authorizes the joint standing committee of the Legislature having jurisdiction over education matters to report out a bill to the First Regular Session of the 121st Legislature to implement the findings of the program review.

**RESOLVE 80 Resolve, to Study School Administrative Unit Organization in
Maine**

LD 2043

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL B	OTP-AM MAJ	H-843 DUPLESSIE
RICHARD	ONTP MIN	S-428

Resolve 2001, chapter 80 directs the Commissioner of Education and the Chair of the State Board of Education to create a study group to examine school administrative unit organization in the State. The study group shall research the history of formation of districts and participation in regional collaboratives in the State and in other states that may be applicable in the State. The study group shall recommend incentives that might be used in the State to promote organizational characteristics that can be demonstrated to support high levels of student outcomes and efficient use of resources and to maintain school administrative units that already exhibit these organizational characteristics. The study group shall also investigate any existing disincentives to forming regional collaboratives and shall identify strategies that may be applicable to removing or overcoming these disincentives.

The resolve further directs the study group to submit a preliminary report to the joint standing committee of the Legislative having jurisdiction over education matters by January 31, 2003 and a final report by January 20, 2004. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters is authorized to submit proposed legislation to the Second Regular Session of the 121st Legislature.

Education and Cultural Affairs

RESOLVE 107 **Resolve, Regarding Legislative Review of Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education** **LD 2136**

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	
	OTP-AM	MIN	

Resolve 2001, chapter 107 authorizes the "final adoption" of amendments to the provisionally adopted, major substantive rule of the Department of Education concerning instructional program, assessment and diploma requirements. This rule repeals and replaces the existing Chapter 127 rules on "Instructional Requirements and Graduation Standards" with a revised set of "minimum" requirements that the school boards of each school administrative unit must meet in aligning the school unit's basic instructional requirements with the system of Learning Results. The rule specifies instructional program requirements for each school unit's comprehensive education plan, including instruction for elementary, middle and secondary school students; the local assessment system requirements for students and schools and the awarding of diplomas based on student performance on the school unit's local assessment system.

RESOLVE 117 **Resolve, Regarding Legislative Review of Portions of Chapter 126:** **LD 2124**
EMERGENCY **Immunization Requirements for School Children, a Rule of the**
Department of Human Services, and Portions of Chapter 261:
Immunization Requirements for School Children, a Rule of the
Department of Education, Major Substantive Rules Jointly
Adopted by the Department of Human Services and the Department
of Education

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM		

Resolve 2001, chapter 117 provides for legislative review of portions of Chapter 126: Immunization Requirements for School Children, a rule of the Department of Human Services, and portions of Chapter 261: Immunization Requirements for School Children, a rule of the Department of Education, major substantive rules jointly adopted by the Department of Human Services and the Department of Education.

Resolve 2001, chapter 117 was finally passed as an emergency measure effective April 11, 2002.

Health and Human Services

PUBLIC 493 An Act to Clarify Roles and Positions within the Department of LD 1949
Behavioral and Developmental Services

Sponsor(s)	Committee Report	Amendments Adopted
FULLER	OTP	
TURNER		

Public Law 2001, chapter 493 clarifies the reporting structure for regional directors and eliminates a position no longer existing within the Department of Behavioral and Developmental Services.

PUBLIC 494 An Act to Require that Temporary Nurse Agencies Verify Certified LD 1843
Nursing Assistants' Eligibility Before Hiring Certified Nursing
Assistants

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	OTP	

Public Law 2001, chapter 494 requires a temporary nurse agency to verify the inclusion of a certified nursing assistant on the Maine Registry of Certified Nursing Assistants before hiring that certified nursing assistant.

PUBLIC 511 An Act to Improve the Effectiveness of the Driver Education and LD 1916
Evaluation Programs

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP	
NUTTING R		

Public Law 2001, chapter 511 repeals and amends laws regarding the Driver Education and Evaluation Programs. It makes the following changes.

1. It repeals the definition of "first offender with an aggravated operating-under-the-influence offense." Program changes eliminate the need for the definition.
2. It amends 2 affected motor vehicle laws to bring them into compliance with program changes. It corrects one law by identifying the Office of Substance Abuse as the location of the Driver Education and Evaluation Programs.
3. It corrects 2 laws by identifying the Department of Behavioral and Developmental Services as responsible for certification and licensing of alcohol and other drug treatment programs.
4. It amends a requirement for after care, when required, because of changes in treatment practices.

Health and Human Services

PUBLIC 515 An Act Regarding Fire Inspections for Foster Homes

LD 1847

Sponsor(s) LAVERRIERE-BOUC LONGLEY	Committee Report OTP	Amendments Adopted S-427 LONGLEY
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Public Law 2001, chapter 515 changes the fire inspection period to be every 2 years for those places licensed as family foster homes and specialized children's homes. It brings the licensing and fire inspection requirements in line with each other and will ensure that all licensing requirements are addressed in a timely and coordinated manner.

PUBLIC 551 An Act to Ensure the Fair Collection of Overpayments

LD 1930

Sponsor(s) SIMPSON LONGLEY	Committee Report OTP-AM	Amendments Adopted H-884
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Public Law 2001, chapter 551 prohibits the Department of Human Services, to the extent permitted by federal law, from collecting overpayments accrued in the Temporary Assistance for Needy Families program, the Aid to Families with Dependent Children program and the food stamp program from people who were minors in the household at the time that their parent or other caretaker received the overpayment.

PUBLIC 555 An Act to Establish the Asthma Prevention and Control Program in the Department of Human Services, Bureau of Health

LD 1998

Sponsor(s) FULLER TURNER	Committee Report OTP-AM	Amendments Adopted H-877
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Public Law 2001, chapter 555 establishes an asthma prevention and control program to provide leadership for and coordination of asthma prevention and intervention activities within the State. The program is authorized to receive federal grant money. The program will consult with statewide organizations concerned with the treatment and prevention of asthma.

PUBLIC 571 An Act to Amend the Laws Governing Eligibility for General Assistance

LD 1963

Sponsor(s) DUNCAN DAVIS P	Committee Report OTP-AM	Amendments Adopted H-878
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Health and Human Services

Public Law 2001, chapter 571 amends the definition of a "lump sum payment" governing eligibility for general assistance to be consistent with other portions of the law. It modifies the method of prorating lump sum income when determining general assistance eligibility. It also clarifies that lump sum income is prorated even when it is received prior to the initial application and it permits initial applicants to receive general assistance in an emergency if the sole reason they were ineligible was due to the proration of a lump sum income. It also directs the Department of Human Services to convene a group of interested parties to investigate the adequacy of the maximum levels of assistance in the general assistance program and report back to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

PUBLIC 574 An Act to Amend the Laws Regarding Public Health

LD 2029

Sponsor(s)	Committee Report	Amendments Adopted
KANE EDMONDS	OTP-AM	H-904

Public Law 2001, chapter 574 makes the following changes to the laws regarding public health.

1. It renames the burial-transit permit the "disposition of human remains permit" and makes other minor changes to the burial permit laws.
2. It requires residents of the State intending to be married to record notice of their intentions in the office of the clerk of the municipality in which at least one of them resides. It also removes a reference to "justice of the peace" from the list of persons authorized to solemnize marriages.
3. It renames the Office of Vital Statistics within the Department of Human Services the Office of Health Data and Program Management.
4. It requires the Department of Human Services, Bureau of Health to publish a state health plan biennially instead of annually.
5. It changes a reference to a program for children who are crippled to a reference to a program for children who are disabled.
6. It repeals the Cancer Prevention and Control Advisory Committee and establishes the Maine Cancer Registry Data Review Committee.
7. It amends the laws governing personal use regarding owner testing for radon.
8. It makes changes to the laws governing public notification that must be given by a public water system to conform the requirements to federal regulation.

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PUBLIC 580

An Act to Aid Implementation of the Maine Medical Marijuana Act of 1998

LD 611

Sponsor(s)	Committee Report	Amendments Adopted
RAND	OTP-AM MAJ	S-451
QUINT	ONTP MIN	

Public Law 2001, chapter 580 clarifies the definition of a designated care giver for a patient eligible to use marijuana for medical purposes, increases the amount of harvested marijuana that may be possessed for medical purposes from 1.25 ounces to 2.5 ounces and adds an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999.

PUBLIC 596

An Act to Implement the Recommendations of the Commission to Study Assisted Living

LD 2195

Sponsor(s)	Committee Report	Amendments Adopted

Public Law 2001, chapter 596 repeals the Maine Revised Statutes, Title 22, chapter 1665 on assisted living programs and reenacts it as chapter 1664. It changes the name of the chapter to Assisted Housing Programs, dividing the programs into independent housing with services, assisted living and residential care facilities. It updates the definitions of "activities of daily living" and "instrumental activities of daily living." It changes the law on fire safety for residential care and assisted living. It updates the chapter to reflect the 3 categories of assisted housing programs. It provides an effective date of October 1, 2002 and provides for the continuation of rules applicable to assisted living programs and services until new rules are adopted by the Department of Human Services.

PUBLIC 598

An Act to Ensure Maine Citizens in Recovery from Drug Addiction Equal Access to Public Assistance

LD 2170

Sponsor(s)	Committee Report	Amendments Adopted
PEAVEY	OTP-AM	H-1003
TURNER		

Public Law 2001, chapter 598 provides that a person who is otherwise eligible to receive food assistance under the federal Food Stamp Act of 1977 or to receive Temporary Assistance for Needy Families may not be denied assistance because the person has been convicted of a drug-related felony. Federal law denies assistance to such a person unless a state legislature enacts legislation exempting its citizens from this prohibition.

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PUBLIC 600 An Act to Ensure Fairness in the Regulation and Reimbursement of LD 1514
Nursing Facilities

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-501
KANE		

Public Law 2001, chapter 600 allows nursing facilities to refuse to admit a prospective resident which the facility is unable to serve because of lack of adequate staff. It requires rulemaking to ensure that persons handling the resources of persons in long-term care use those resources responsibly.

PUBLIC 609 An Act Regarding Eligibility for Financing Through the Maine LD 1891
Health and Higher Educational Facilities Authority

Sponsor(s)	Committee Report	Amendments Adopted
BENNETT	OTP-AM	S-502

Public Law 2001, chapter 609 requires that unlicensed assisted living facilities that receive funding from the Maine Health and Higher Education Facilities Authority comply with the standardized contract and resident rights requirements applicable to licensed facilities.

PUBLIC 645 An Act Regarding Child Care Facility Laws LD 2027

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-972

Public Law 2001, chapter 645 makes the following changes to the laws governing day care centers and nursery schools. These changes are necessitated by anticipated changes to the rules governing these facilities:

1. References to "day care center" are changed to "child care facility";
2. The definition of "children" in the laws governing nursery schools, which is based on the age of a child, is changed;
3. Provisions in the laws governing nursery schools regarding communicable diseases, ratios and administration of medications are removed; and
4. The definitions of "day care centers" and "nursery school" are changed.

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PUBLIC 650 **An Act to Improve Access to Prescription Drugs for Persons who** **LD 2113**
EMERGENCY **are Elderly or Disabled**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	OTP-AM	S-506
LEMOINE		

Public Law 2001, chapter 650 requires the Department of Human Services to apply to the federal Centers for Medicare and Medicaid Services for a waiver or to amend a pending or current waiver under the Medicaid program authorizing the department to use federal matching dollars to enhance the prescription drug benefits available to persons who currently qualify for the elderly low-cost drug program. The law requires a report by January 12, 2003 to the Health and Human Services Committee.

Public Law 2001, chapter 650 was enacted as an emergency measure effective April 9, 2002.

PUBLIC 654 **An Act to Expand Family Life Education Services in Maine Schools** **LD 1603**

Sponsor(s)	Committee Report	Amendments Adopted
FULLER	OTP-AM	H-1024
MILLS		

Public Law 2001, chapter 654 directs the Commissioner of Human Services to undertake initiatives in order to expand and enhance comprehensive family education services for students in kindergarten to high school. It also allows a parent to not have that parent's child participate in a comprehensive family life education program.

PUBLIC 664 **An Act to Strengthen the Certificate of Need Law** **LD 1799**

Sponsor(s)	Committee Report	Amendments Adopted
MICHAUD MH	OTP-AM MAJ	S-507
	ONTP MIN	S-573 DOUGLASS

Public Law 2001, chapter 664 repeals and replaces the Maine Certificate of Need Act of 1978. This law clarifies when certificate of need waivers can be granted, clarifies the ability of the Department of Human Services to impose conditions on a certificate of need, changes certain dates, and eliminates the Certificate of Need Advisory Committee. It clarifies the authority of the Commissioner to review a project for which a certificate of need has been granted.

See also Public Law 2001, chapter 710, sections 9 and 10 clarifying that 22 MRSA section 332 (review after approval) applies retroactively to applications filed or approved on or after January 1, 1999.

PUBLIC 666 **An Act to Support a Continuum of Quality Long-term Care** **LD 1924**
EMERGENCY **Services**

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Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-523
BROOKS		S-611 GOLDTHWAIT

Public Law 2001, chapter 666 requires the Department of Human Services to make several changes in the system of payment for nursing facility services,. These changes include an overall requirement that the payment use regional wage adjustments, adjusting for inflation using factors that reflect increases in operating costs experienced in Maine and allowing nursing facilities to retain savings in routine component costs. The law requires the Department of Human Services to amend its principles of reimbursement for nursing facilities to lessen the occupancy penalty for facilities with fewer than 60 beds. The law also modifies fair hearing proceedings on Medicaid payment issues providing for an independent hearing officer. It requires reporting on long-term care costs and funding by January 31 every 2 years beginning January 31, 2003.

Public Law 2001, chapter 666 was enacted as a emergency measure effective April 11, 2002.

PUBLIC 678 An Act to Reduce Medical Errors and Improve Patient Health LD 1363

Sponsor(s)	Committee Report	Amendments Adopted
RAND	OTP-AM	S-527
KANE		S-604 GOLDTHWAIT

Public Law 2001, chapter 678 establishes a sentinel event reporting system to improve the quality of health care provided to patients, increase patient safety and reduce medical errors for hospitals and other facilities licensed by the Division of Licensing and Certification, but not nursing facilities. The effective date is 5/1/03.

PUBLIC 683 An Act to Amend the Lead Poisoning Control Act LD 2038

Sponsor(s)	Committee Report	Amendments Adopted
MATTHEWS	OTP-AM	H-1007
EDMONDS		

Public Law 2001, chapter 683 requires the Department of Human Services to distribute information on lead poisoning and to develop and distribute a lead poisoning risk assessment tool. Primary health care providers for children are required to test for blood lead levels in all children one year of age and 2 years of age who are covered by the MaineCare program and to test all children one year of age and 2 years of age unless, in the professional judgment of the attending physician, the child's level of risk does not warrant a blood lead level test. The law requires the Department of Human Services to convene a task force of representatives of pertinent health care organizations to determine a standard lead poisoning risk assessment tool for use statewide, to help disseminate the assessment tool and information on lead poisoning and to assist in developing additional recommendations that will increase lead screening in Maine. The department must report by January 1, 2004 on the initial work of the task force to the joint standing committee of the Legislature having jurisdiction over health and human services matters and by March 1, 2005 on the results of the lead poisoning risk assessment and blood lead level testing.

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Public Law 2001, chapter 683 has an effective date of January 1, 2003.

PUBLIC 691 An Act to Transfer Responsibility for Determining Eligibility for LD 2026
the Elderly Low-cost Drug Program from the Department of
Administrative and Financial Services to the Department of Human
Services

Sponsor(s)	Committee Report	Amendments Adopted
O'BRIEN L	OTP-AM	H-911
TURNER		S-553 GOLDTHWAIT

Public Law 2001, chapter 691 transfers the responsibility for determining eligibility for the low-cost elderly drug program from the Department of Administrative and Financial Services, Bureau of Revenue Services to the Department of Human Services, Bureau of Family Independence in order to better coordinate the program with the Healthy Maine Prescription Program and the Maine Rx Program. Transfer of the program must be completed by January 1, 2003.

PUBLIC 694 An Act to Provide Government with the Necessary Authority to LD 2164
Respond to a Public Health Emergency Caused by an Act of
Bioterrorism

Sponsor(s)	Committee Report	Amendments Adopted
SAXL	OTP-AM A	H-1062
BENNETT	OTP-AM B	
	ONTP C	

Public Law 2001, chapter 694 includes the following changes to the laws governing emergency health powers.

1. It relieves the Department of Human Services from the requirement to adopt emergency rules in the event of a public health emergency and instead allows the department to implement rules previously adopted designed to become effective upon the declaration of a state of public health emergency.
2. It allows the Department of Human Services to exercise its public health emergency powers upon a declaration of a state of public health emergency by the Governor.
3. It allows the Department of Human Services to have access to certain health information or take a person into temporary custody and order specific emergency care, vaccination, treatment or evaluation in the event of a public health emergency if the department has reasonable cause to believe the person has either been exposed to or is at risk of transmitting a communicable disease that poses a serious and imminent threat to human or animal life; there is no less restrictive alternative available to safeguard the public health and safety; and the delay involved in securing a court order would pose an imminent risk to the person or pose a serious risk of transmission of the communicable disease. A person may not be detained more than 48 hours without judicial review.

Health and Human Services

RESOLVE 79 **Resolve, to Name the New Psychiatric Treatment Center Located in Augusta** **LD 2158**

Sponsor(s)	Committee Report	Amendments Adopted
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Resolve 2001, chapter 79 establishes the name for the new psychiatric center located in Augusta as Riverview Psychiatric Center.

RESOLVE 84 **Resolve, Directing the Department of Human Services to Apply for a Federal Waiver to Provide Medicaid Benefits to Uninsured Residents with a Diagnosis of Cancer** **LD 2000**

Sponsor(s)	Committee Report	Amendments Adopted
SHIELDS	OTP-AM	H-876
TURNER		

Resolve 2001, chapter 84 directs the Department of Human Services to apply for a waiver to establish a Medicaid cancer program. Coverage under the program is limited to persons who lack health care coverage and covers only the diagnosis and treatment of cancer. Coverage may not begin until the waiver has been obtained from the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and the Legislature has approved the operation of the program and appropriated funding for coverage in the biennial budget.

RESOLVE 85 **Resolve, to Address the Crisis in Direct-care Staff in the Long-term** **LD 2007**
EMERGENCY **Care System**

Sponsor(s)	Committee Report	Amendments Adopted
KANE	OTP-AM	H-886
MARTIN		

Resolve 2001, chapter 85 directs the Department of Human Services, the State Board of Nursing and the State Board of Education to review the rules regarding training and certification of unlicensed direct-care staff in the long-term care system. It requires reporting to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding training and certification of unlicensed direct-care staff and requires a group of interested parties to meet to collaborate on a public awareness campaign regarding career opportunities in long-term care and to report to the same committee.

Resolve 2001, chapter 85 was finally passed as an emergency measure effective March 25, 2002.

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RESOLVE 88 Resolve, to Improve the Health of Maine Citizens Through Hepatitis C Prevention and Detection

LD 1858

Sponsor(s)	Committee Report	Amendments Adopted
BRUNO	OTP-AM	H-860

Resolve 2001, chapter 88 directs the Department of Human Services, Bureau of Health to provide a media campaign to increase awareness of hepatitis C; access to laboratory testing for hepatitis C; education of medical and social service providers; epidemiological data collection; and coordination and evaluation of these initiatives. The implementation of these initiatives is contingent on the receipt of federal funding or donations from private sources for these purposes.

RESOLVE 89 Resolve, to Implement the Recommendations of the Health Care Workforce Steering Committee

LD 1913

Sponsor(s)	Committee Report	Amendments Adopted
MICHAUD MH	OTP-AM MAJ	S-454
SAXL	ONTP MIN	

Resolve 2001, chapter 89 creates the Health Care Workforce Leadership Council to address the shortage of skilled health care workers in the State. The council is composed of members from health care employers, health care workers and public and private postsecondary educational institutions. The Maine Technical College System provides staffing. Reports are required January 1, 2003 and November 3, 2004.

RESOLVE 90 Resolve, Regarding Legislative Review of Chapters I to IV: EMERGENCY Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services

LD 2050

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-905

Resolve 2001, chapter 90 provides for legislative review of Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a major substantive rule of the Department of Human Services. The resolve also requires the facilities to distribute resident brochures prepared by the Long-term Care Ombudsman Program.

Resolve 2001, chapter 90 was finally passed as an emergency measure effective March 28, 2002.

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RESOLVE 92 **Resolve, to Establish a Demonstration Project to Review Requirements Imposed on Agencies Contracting with the Department of Behavioral and Developmental Services**

LD 1947

Sponsor(s)	Committee Report	Amendments Adopted
NASS	OTP-AM	H-909

Resolve 2001, chapter 92 requires the Department of Behavioral and Developmental Services to undertake a demonstration project to review increased costs to contracting agencies necessitated by changes dictated by the department, to develop strategies for achieving savings within those agencies, to review existing requirements in order to identify costs that may be minimized and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2003.

RESOLVE 94 **Resolve, to Provide Access to Personal Care Assistant Home Care Services**

LD 1934

Sponsor(s)	Committee Report	Amendments Adopted
FULLER	OTP-AM	H-997
LONGLEY		

Resolve 2001, chapter 94 requires the Department of Human Services to review its rules regarding the reimbursement structure for personal care assistant home care services, identify barriers to those services, revise rules as necessary to improve the delivery of those services and report to the Joint Standing Committee on Health and Human Services by January 15, 2003.

Resolve 2001, chapter 94 was finally passed as an emergency measure effective April 3, 2002.

RESOLVE 114 **Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care**

LD 1933

Sponsor(s)	Committee Report	Amendments Adopted
KANE	OTP-AM	H-910
MARTIN		S-556 GOLDTHWAIT

Resolve 2001, chapter 114 establishes a blue ribbon commission to address the escalating costs of long-term care and propose a comprehensive plan that addresses the financing of future needs while preserving high quality and promoting individual choice. The commission will investigate all relevant questions bearing on this issue, including but not limited to the following:

1. Whether the financial risk associated with uncertain long-term health care costs should be shared through some type of public or private insurance system;
2. Whether individuals should be encouraged or required to begin saving for predictable long-term health care needs at earlier ages; and

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3. Whether each generation of working adults should pay for the long-term care costs of their parents' and grandparents' generations.

The Commission is required to submit its report, along with any recommended implementing legislation, to the Health and Human Services Committee no later than November 6, 2003.

Resolve 2001, chapter 114 was finally passed as an emergency measure effective April 11, 2002.

Inland Fisheries and Wildlife

PUBLIC 530 An Act to Allow Landowner Permits to be Issued for Turkey LD 1939
EMERGENCY Hunting

Sponsor(s)	Committee Report	Amendments Adopted
CHICK	OTP	
EDMONDS		

Public Law 2001, chapter 530 allows the Commissioner of Inland Fisheries and Wildlife to issue turkey hunting permits to landowners who keep their land open to the public for hunting.

Public Law 2001, chapter 530 was enacted as an emergency measure effective March 14, 2002.

PUBLIC 536 An Act to Require the Owner of a Submerged Snowmobile or Boat LD 1968
EMERGENCY to Remove the Snowmobile or Boat

Sponsor(s)	Committee Report	Amendments Adopted
CLOUGH	OTP-AM MAJ	H-844
MICHAUD MH	OTP-AM MIN	

Public Law 2001, chapter 536 requires the owner of a snowmobile or motorboat submerged in the inland waters of the State for longer than 24 hours to notify the Commissioner of Inland Fisheries and Wildlife. It also prohibits the operation of a snowmobile on open water areas of public inland waters and requires that the owner or operator of a snowmobile submerged in violation of this section remove the snowmobile within 24 hours and pay any damages resulting from the submersion.

Public Law 2001, chapter 536 was enacted as an emergency measure effective March 18, 2002.

PUBLIC 610 An Act to Ban the Use of Aircraft While Hunting LD 2078

Sponsor(s)	Committee Report	Amendments Adopted
CARPENTER	OTP-AM MAJ	S-483
DUNLAP	ONTP MIN	

Public Law 2001, chapter 610 prohibits the use of aircraft to hunt big game.

PUBLIC 638 An Act to Implement Municipal Recommendations Regarding LD 2204
Surface Water Use on Great Ponds

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ	
	ONTP MIN	

Public Law 2001, chapter 638 prohibits the use of personal watercraft on Middle Branch Pond in the Town of Waterboro and on Crystal Lake in the Town of Washington. It also prohibits the use of

Inland Fisheries and Wildlife

personal watercraft on Highland Lake or Woods Pond in the Town of Bridgton if the personal watercraft is rented and does not display a decal identifying the rental agency that owns the personal watercraft. Additionally, Public Law 2001, chapter 638 prohibits the operation of motorboats having more than 10 horsepower on Middle Branch Pond in the Town of Waterboro or on Adams Pond, Foster Pond or Otter Pond in the Town of Bridgton.

PUBLIC 655 An Act to Amend Maine's Wild Turkey Hunting Season EMERGENCY

LD 1923

Sponsor(s) NUTTING J	Committee Report OTP-AM	Amendments Adopted H-1076 DUNLAP S-430
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Public Law 2001, chapter 655 authorizes the Commissioner of Inland Fisheries and Wildlife to from establish a fall wild turkey hunting season and removes the prohibition on using electronic turkey calls. It also adds wild turkeys to the statutes dealing with nuisance wild animals.

Public Law 2001, chapter 655 was enacted as an emergency measure effective April 10, 2002.

PUBLIC 690 An Act to Stabilize the Funding of the Department of Inland Fisheries and Wildlife

LD 1929

Sponsor(s) DUNLAP CARPENTER	Committee Report OTP-AM A ONTP B OTP-AM C	Amendments Adopted H-1021 H-1061 DUNLAP S-600 GOLDTHWAIT
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Public Law 2001, chapter 690 does the following:

1. Establishes the Fiscal Stability Program to require the executive branch, beginning with the 2004-2005 biennial budget and for each biennial budget thereafter, to submit a biennial budget that includes a General Fund appropriation of 18% of the Department of Inland Fisheries and Wildlife's requested biennial budget;
2. Establishes the Wildlife Enthusiast's Conservation Appreciation, Recreation and Enjoyment support program to encourage voluntary support for non-game programs and services provided by the department;
3. Authorizes the department to charge a fee of up to \$10 to cover administrative costs for the issuance of miscellaneous licenses and permits that do not have a fee provided by law;
4. Removes the fee schedule for boys and girls camp fishing licenses that is based on the number of campers and replaces it with a fee of \$75 for all camps;
5. Increases the permit fee for migratory waterfowl to \$5.50 and a bear hunting permit to \$25 for residents and \$65 for nonresidents;

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6. Sets bass tournament fees for weigh-in tournaments at \$50 per day and for catch-and-release at \$10 per day and establishes a 3-year guide license for \$79;
7. Increases the fee for an antlerless deer permit from \$1 to \$10 and removes the prohibition against junior hunters transferring an antlerless deer or turkey permit to a qualified person;
8. Removes the requirement that a person must show proof of a valid hunting license or big game license before being issued a moose or turkey permit;
9. Creates a 10-chance application for a moose permit for nonresidents for \$50;
10. Sets the registration fee for all-terrain vehicles at \$17 for residents and \$35 for nonresidents and requires that after administrative costs, 50% of the revenues raised be deposited in the ATV Recreational Management Fund and that the department use a portion of the funds for an ATV law enforcement grant-in-aid program;
11. Repeals the expanded archery season and corresponding cross-references effective January 1, 2003; and
12. Appropriates \$30,000 to the Department of Conservation, Boating Facility Program for repairs to the Verona boat launch.

PUBLIC 693

**An Act to Implement the Unanimous and the Majority
Recommendations of the Commission to Study Equity in the
Distribution of Gas Tax Revenues Attributable to Snowmobiles,
All-terrain Vehicles and Watercraft**

LD 2081

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1054

Public Law 2001, chapter 693 sets the percentages of gasoline tax revenue attributable to motorboats, snowmobiles and ATVs to provide a \$750,000 increase over current funding levels for years starting on July 1, 2003 to June 30, 2005. After June 30, 2005, the percentages established by this law will be applied to the current total gasoline tax revenue to determine the amount attributable to motorboats, snowmobiles and ATVs. Public Law 2001, chapter 693 also requires the Department of Conservation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to update, every 5 years, their "Public Access to Maine Waters Strategic Plan" and their snowmobile and ATV needs assessment.

Inland Fisheries and Wildlife

**RESOLVE 104 Resolve, to Further Protect Endangered and Threatened Species
Through Better Communication**

LD 2104

Sponsor(s)	Committee Report	Amendments Adopted
BROOKS	OTP-AM	H-1018
NUTTING J		

Resolve 2001, chapter 104 requires the Department of Conservation and the Department of Inland Fisheries and Wildlife to evaluate the current systems of communication between the departments, private landowners and foresters regarding the location of endangered and threatened species on private property. It directs the departments to report their findings and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife by January 2, 2003.

Judiciary

PUBLIC 520 An Act to Improve Maine's Jail Diversion Programs

LD 202

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN	OTP-AM MAJ	H-829
DAGGETT	ONTP MIN	

Public Law 2001, chapter 520 provides enabling legislation for the Judicial Department to apply for and receive funding from sources other than the State to establish mental health treatment courts. If the Judicial Department receives funding, before implementation of mental health treatment courts the Judicial Department must report to the joint standing committee of the Legislature having jurisdiction over judiciary matters information about the funding and the plans for the mental health treatment court.

PUBLIC 532 An Act Relating to the Dissemination of Intelligence and Investigative Information

LD 1899

Sponsor(s)	Committee Report	Amendments Adopted
MCALEVEY	OTP-AM	S-433

Public Law 2001, chapter 532 allows for the sharing of intelligence and investigative information between criminal justice agencies and the Department of Human Services in abuse, neglect and exploitation cases involving incapacitated or dependent adults.

PUBLIC 539 An Act to Protect Victims of Domestic Violence, Sexual Assault and Stalking

LD 2019

Sponsor(s)	Committee Report	Amendments Adopted
SAXL	OTP-AM	H-855
RAND		H-866 DUPLESSIE

Public Law 2001, chapter 539 establishes the Address Confidentiality Program to be administered by the Secretary of State. The program provides state and local agencies with the ability to respond to requests for public records without disclosing the location of a victim of domestic violence, stalking or sexual assault. The program enables interagency cooperation with the Secretary of State in providing address confidentiality for victims of domestic violence, stalking or sexual assault and enables state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

Judiciary

PUBLIC 543 An Act Regarding Child Abandonment

LD 1670

Sponsor(s) KILKELLY O'BRIEN L	Committee Report OTP-AM	Amendments Adopted S-447
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Public Law 2001, chapter 543 provides simple procedures for a person who wants to abandon a baby in a safe manner. It provides an affirmative defense to the prosecution for the crime of abandonment of a child. The affirmative defense is available for a person who delivers a child less than 31 days old to: a law enforcement officer; staff at a medical emergency room, not limited to a hospital emergency room; a medical services provider; or a hospital staff member. The safe haven provider may request information that would be helpful to the child's welfare, but may not detain anyone who is delivering the child in order to collect the information. Any information that is supplied must be provided to the Department of Human Services. The Department of Human Services is directed to establish guidelines to assist a safe haven provider concerning procedures to follow when a child is delivered to the safe haven provider. The person or entity who accepts a child under this Act or provides temporary custody of a child accepted under this Act is immune from civil, criminal and administrative liability for acting under this section if the person or entity acts in good faith, believing the action is required or authorized.

PUBLIC 544 An Act to Enact the Uniform Principal and Income Act of 1997

LD 1573

Sponsor(s) NORBERT RAND	Committee Report OTP-AM	Amendments Adopted H-851
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Public Law 2001, chapter 544 enacts the Uniform Principal and Income Act of 1997, adopted by the National Conference of Commissioners on Uniform State Laws in 1997. It provides rules for handling trust principal, income, receipts and disbursements. The Act takes effect January 1, 2003, and it applies to trusts and decedent's estates starting with the first fiscal year of the trust or decedent's estate that begins on or after January 1, 2003, unless the terms of the trust or will expressly provide otherwise.

PUBLIC 546 An Act to Amend the Laws Governing Background Checks on Prospective Adoptive Parents

LD 2010

Sponsor(s) TESSIER	Committee Report OTP-AM	Amendments Adopted H-856
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Public Law 2001, chapter 546 amends the laws concerning background checks of prospective adoptive parents. It allows the Probate Court to waive a subsequent background check, including the criminal history check based on fingerprinting, if a background check under this requirement on the same person was completed within a reasonable period of time and the Probate Court is satisfied that nothing new that would be included in the background check has transpired since the last check.

PUBLIC 550 An Act Regarding Public Charities, Nonprofit Corporations and

LD 1770

Judiciary

Conversions of Nonprofit Entities to For-profit Entities

Sponsor(s)	Committee Report		Amendments Adopted
SAXL	OTP-AM	MAJ	H-869
RAND	ONTP	MIN	

Public Law 2001, chapter 550 amends the law relating to the Attorney General's power to oversee charitable entities, enacts new law relating to conversion of charitable assets to for-profit purposes, and amends the general law governing all non-profit corporations.

Attorney General Authority over Public Charities. Part A of Chapter 550 provides civil investigative authority to enable the Attorney General to ensure that public charities make proper use of their charitable assets, and defines public charities to include non-profit corporations formed for charitable purposes as well as charitable trusts. The civil investigative authority provided in the new law may be used only for specified purposes, and must be approved in advance by a Justice of the Superior Court.

Conversion of Charitable Assets to For-Profit Uses. Chapter 550 provides 3 different processes for overseeing conversion of non-profit assets to for-profit use, depending on the fair market value of the assets to be converted. For small transactions (those with a value of less than \$50,000), a converting entity is only required to notify the Attorney General at least 20 days before the transaction is to occur. Larger transactions (those between \$50,000 and \$499,999) must be approved by the Attorney General, and the largest transactions (those valued at \$500,000 or more) must be approved by the Superior Court. The law defines the type of transactions that are subject to the new law and clarifies that many ordinary transactions are not included in the definition of "conversion transaction."

The law provides for public participation in conversion reviews by requiring public notice, providing for public access to records, inviting public comment to the Attorney General when the Attorney General has approval authority and providing a liberal standard for intervention in court approval processes. The law sets standards for approval of conversions, including a requirement that the proceeds from such a conversion must be distributed to a charitable foundation or corporation that meets certain standards.

Chapter 550 also changes existing law regarding conversions of nonprofit hospital and medical services organizations to ensure that conversions of all such nonprofit entities are covered by that law and not the new conversion law. It also requires the Superintendent of Insurance to review the existing conversion law and report back to the Legislature in 2003 on whether changes are needed to update the nonprofit hospital and medical services conversion law for any future conversions.

Changes to the general non-profit corporations law. Part C of chapter 550 amends Title 13-B of the Maine Revised Statutes, the general nonprofit corporation law. It divides non-profit corporations into 2 categories: public benefit corporations and mutual benefit corporations. The definition of "public benefit corporation" includes a corporation recognized by the IRS as a 501(c)(3) organization, certain other corporations organized for public or charitable purposes, those designated as public benefit corporations by statute and those that elect to be a public benefit corporation. Non-profits that do not fall into the definition of "public benefit corporation" are mutual benefit corporations.

Chapter 550 applies several additional laws to public benefit corporations, including provisions that: (1) allow the Attorney General to ask a court to remove a director, void a conflict of interest transaction or dissolve the corporation under certain circumstances; (2) prohibit more than 49% of the directors of the corporation from being persons who are "financially interested" in the corporation; (3) require

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notice to the Attorney General of certain major corporate changes; and (4) prohibit and penalize misapplications of funds or assets of the public benefit corporation.

The law also changes the standard by which conflict-of-interest transactions in any non-profit corporation are judged by removing the business judgment rule for most transactions. With one exception, such a transaction is protected only if it is objectively fair to the corporation.

**PUBLIC 554 An Act to Make Certain Changes to the State's Child Support
EMERGENCY Enforcement Laws**

LD 2025

Sponsor(s)	Committee Report	Amendments Adopted
NASS	OTP-AM	H-868
MILLS		

Public Law 2001, chapter 554 amends the statutes governing child support establishment and enforcement. It authorizes Department of Human Services employees who are not attorneys to represent the department in probate court in cases involving child support enforcement, although they are not permitted to prepare and file motions in Probate Court. It amends the paternity statute to address proceedings in which there is more than one alleged father of the same child. It authorizes the Department of Human Services to require an alleged father to submit to blood or tissue-typing tests prior to accepting an acknowledgement if it appears there is more than one alleged father. If the alleged father refuses the testing, the department may file an action in court. It clarifies the responsibility of the Department of Human Services, in consultation with the Supreme Judicial Court and other interested parties, to adopt the child support table by rule. It clarifies that the definition of "extraordinary medical expenses" is based on recurring, uninsured medical expenses in excess of \$250 per child or group of children per calendar year. It adds to the statute language concerning how to calculate a child support obligation for extremely low-income child support obligors (the "self-support reserve"). Chapter 554 amends existing law to require the use of the federally adopted National Medical Support Notice, used to ensure health insurance coverage for obligors' children as required by court orders. This form takes the place of what is currently termed the "health insurance withholding order." A state child support enforcement program is not in compliance with federal requirements and is subject to loss of federal child support enforcement grants if the form is not used. Chapter 554 also clarifies that a person who files an action to establish or vacate a paternity order or support order, to enforce a support order, to amend a support order or to collect support arrearages must send a copy of the motion to the Department of Human Services when the motion is filed if public assistance is involved or if the department provides support enforcement services.

Public Law 2001, chapter 554 was enacted as an emergency measure effective March 25, 2002.

PUBLIC 601 An Act Regarding the Repatriation of Native American Remains

LD 1940

Sponsor(s)	Committee Report	Amendments Adopted
SOCTOMAH	OTP-AM MAJ	H-975
	ONTP MIN	

Public Law 2001, chapter 601 provides a person who possesses human remains that are identified as Indian human remains must transfer the remains to the intertribal repatriation organization that is appointed by the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and

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Aroostook Band of Micmacs. It provides that if the Indian human remains are subject to the Medical Examiner Act, the Chief Medical Examiner may retain the remains until they are no longer necessary for legal purposes. This requirement does not apply to human remains or persons and entities covered by the federal Native American Graves Protection and Repatriation Act, NAGPRA. Public Law 2001, chapter 601 also addresses human remains that are subject to NAGPRA that fall into the definition of Medical Examiner cases. The Chief Medical Examiner, the Maine Historic Preservation Commission and the Maine State Museum shall enter into a memorandum of understanding concerning the procedures the Chief Medical Examiner must follow when in possession of Indian human remains that are subject to NAGPRA. NAGPRA includes a limited period of study prior to repatriation; the memorandum of understanding will address that period for human remains that are subject to NAGPRA and are Medical Examiner cases.

PUBLIC 612 An Act to Provide for Notice of Termination, Nonrenewal or LD 2100
Change in Terms of Certain Leases

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	
	ONTP	MIN	

Public Law 2001, chapter 612 is based on recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. Chapter 612 provides standards for leases between persons who own land within jurisdiction of the Maine Land Use Regulation Commission and persons who lease the land and occupy or construct residential, recreational or commercial structures on it. The new law requires that such agreements be made in the form of written leases, and that they contain at least a general description of the boundaries of the leased lot. It requires the lessor to provide at least 30 days' notice of change in terms of the lease. Chapter 612 also requires lessors to give lessees at least one years' notice of the intent to terminate a lease, to enable the lessee to remove property or otherwise plan for termination. The terms of the lease continue during the notice period, except that inconsistent termination provisions in the lease are superseded by the statute, to the extent they are inconsistent. Also, the lessee may terminate the lease at any time during the notice period if, for example, the lessee is able to remove the structure prior to the end of the notice period and no longer wishes to occupy the property.

PUBLIC 632 An Act to Amend the Uniform Commercial Code, Article 9-A LD 1840

Sponsor(s)	Committee Report	Amendments Adopted
LAVERDIERE	OTP-AM	H-857
RAND		

Public Law 2001, chapter 632 establishes new, lower fees for communicating certain records under the Uniform Commercial Code by an authorized method other than writing, such as transmitting the records electronically.

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PUBLIC 640 An Act to Adopt the Model Business Corporation Act in Maine

LD 361

Sponsor(s)
RICHARDSON
EDMONDS

Committee Report
OTP-AM

Amendments Adopted
H-1037

Public Law 2001, chapter 640 repeals Title 13-A, the current Maine Business Corporation Act enacted in 1971, and replaces it with a new Title 13-C, also entitled the "Maine Business Corporation Act." It also repeals the current Professional Service Corporation Act and replaces it with a revised Professional Service Corporation Act.

The new business corporation act, Title 13-C, was developed by a revision committee of the Maine State Bar Association. The new act consists primarily of the 1984 Model Business Corporation Act developed by the American Bar Association, updated and modified by the revision committee as necessary to preserve important unique aspects of Maine law. Changes to corporate law are too numerous to summarize; please refer to OPLA Bill Summaries or a copy of the public law itself for additional information.

The revised Professional Service Corporation Act was also developed by the revision committee and is based on language developed by the American Bar Association as a supplement to the Model Business Corporation Act. The revised Act clarifies which professions are subject to the Act, allows multi-profession corporations if the licensing authorities of those professions allow such practices and allows a minority of director positions to be held by nonprofessionals. The Act also provides rules for foreign professional corporations and allows mergers with domestic or foreign professional service corporations and business entities under certain circumstances.

PUBLIC 647 An Act Regarding the Requirements for Documenting Pretest and Post-test Counseling for HIV Tests

LD 2157

Sponsor(s)
MADORE
RAND

Committee Report
OTP

Amendments Adopted

Public Law 2001, chapter 647 changes the law requiring health care providers to offer counseling to a person before and after the person is tested for HIV. Current law requires the test provider to prepare a written memorandum summarizing the counseling discussion and to give the memorandum to the person who is being tested. Chapter 647 instead requires the test provider to make an entry in the person's medical record summarizing the discussion and to give the person being counseled a written document containing information on the issues required to be covered in counseling. Written consent forms or other standardized forms may be used to meet the requirement if they provide the necessary information.

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PUBLIC 653

An Act to Allow a Lessee to Purchase Leased Premises When the Lessor Decides to Sell

LD 2101

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP MAJ	H-973
	OTP-AM MIN	H-1041 CARR
		H-1070 CARR

Public Law 2001, chapter 653 is based on a recommendation of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. Chapter 653 provides for a right of first refusal in leases between persons who own land within jurisdiction of the Maine Land Use Regulation Commission and persons who lease the land and occupy or construct residential, recreational or commercial structures on it. The lessee would have the right to purchase the leased lot if the landowner chooses to offer the parcel for sale. Leases must contain a provision for determining the price at which the lot could be purchased. This law applies to leases entered into on or after July 25, 2002.

PUBLIC 665

An Act Concerning Custody and Visitation for Sex Offenders

LD 1969

Sponsor(s)	Committee Report	Amendments Adopted
CARR MICHAUD MH	OTP-AM	H-1033

Public Law 2001, chapter 665 requires the court, when establishing parental rights and visitation concerning a child, to take into account a parent's convictions for sex offenses and sexually violent offenses. The court retains discretion to weigh the information and how the existence of any convictions affects the best interests of the child. The same consideration must be taken when establishing grandparents' visitation.

Chapter 665 also requires that in order to award primary residence to a person who is convicted of a child-related sexual offense, the court must find that it is in the best interests of the child and that adequate provision can be made to ensure the child's safety. The same finding is required when the court orders visitation and contact with a grandparent who is convicted of a child-related sexual offense.

Judiciary

**PUBLIC 667
EMERGENCY**

An Act to Correct Errors and Inconsistencies in the Laws of Maine

LD 2083

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-1071 H-1097 LAVERDIERE S-567 RAND S-585 GOLDTHWAIT
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Public Law 2001, chapter 667, An Act to Correct Errors and Inconsistencies in the Laws of Maine, made technical corrections and several substantive corrections. Substantive corrections are contained in Parts C, E and G. The substantive changes made by chapter 667 are as follows.

1. It corrects the effective date concerning repair and maintenance of bridges as provided in Public Law 2001, chapter 314.
2. It includes Judges of the District Court in the list of officials to be sworn in by the Governor.
3. It amends the laws governing the Baxter Compensation Authority concerning the Compensation Panel, the timing of compensation decisions, the communication of the decision and the signing of a release before payment of compensation.
4. It revises the application of the smelt laws.
5. It revises the laws concerning ice fishing in recognition of the recent adoption of separate ice fishing rules.
6. It decriminalizes certain violations concerning keeping wild animals in captivity.
7. It corrects the language concerning school bus leases.
8. It corrects references to federally qualified health centers.
9. It updates the membership of the TANF Advisory Council to reflect the replacement of the Job Training Partnership Act.
10. It corrects the provision of death benefits to certain members of the State Fire Marshal's Office.
11. In corrects provisions governing the flags and flag holders at the graves of certain public servants.
12. It corrects the application of penalties for E-911 violations.
13. It corrects a conflict concerning the regulation of scooters.
14. It corrects language concerning certain funding of the Maine Health Access Fund.
15. It revises the recording requirements at the registries of deeds to accept sealed or embossed documents.

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16. It revises provisions concerning retired teachers who become legislative employees.
17. It provides for PUC review of an exception to limitations on the provision of electricity from certain hydropower facilities.
18. It corrects an appropriation to the Ombudsman Program in the Executive Department.

See also LD 2216, Public Law 2001, chapter 710.

Public Law 2001, chapter 667 was enacted as an emergency measure effective April 30, 2002.

PUBLIC 675	An Act to Amend the Freedom of Access Laws to Protect Security Plans, Security Procedures and Risk Assessments	LD 2153
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Sponsor(s)	Committee Report	Amendments Adopted
NORBERT	OTP-AM MAJ	H-1057
MICHAUD MH	ONTP MIN	

Public Law 2001, chapter 675 exempts from the definition of “public record” security-related information that specifically concerns preventing or preparing for acts of terrorism. The “terrorism” definition closely mirrors the definition in proposed changes to the Maine Criminal Code. Chapter 675 also clarifies that only that information that, if released, could pose a threat to public safety is covered by this exemption. Finally, it adds the term "risk assessments" to the description of security-related information in order to prevent the disclosure of information that could permit exploitation of existing vulnerabilities.

PUBLIC 696	An Act to Implement the Recommendations of the Committee to Review the Child Protective System	LD 2149
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Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ	H-1078
	OTP-AM MIN	S-614 GOLDTHWAIT

Public Law 2001, chapter 696, implements most of the legislative recommendations of the Committee to Review the Child Protective System. It makes many changes to current law, including the following.

1. It amends the Maine Juvenile Code to be consistent with federal law and the child protective statutes with regard to juveniles who are ordered by the court to be removed from their homes.
2. It requires the child welfare services ombudsman program to consult with appropriate interested parties and establish a program to provide information about the child protective system to parents.
3. It rewrites the statutes governing access to and participation in child protective proceedings for nonparties to observe or participate by establishing three expanded tiers of possible participation, without opening proceedings to the public in general.

Judiciary

4. It requires the Department of Human Services to produce decision-making policies in writing and make them publicly available. It requires the department to post the most current policies on a publicly accessible site on the Internet. Among other topics, the policies must address kinship care and placement.
5. It requires the Department of Human Services, to the extent possible, to audio record all planned questioning of and interviews with children. The department must adopt rules to establish procedures to audio record interviews; the rules are major substantive rules. The fact that an interview was not recorded does not by itself require the exclusion of the information collected in the interview. It also clarifies that any person who is being questioned or interviewed may record the questioning or interview.
6. It amends the law to prohibit the use of evidence that would otherwise be inadmissible hearsay, admitted in the summary preliminary protection hearing under section 4034, subsection 4, in any other proceeding unless the evidence is admitted pursuant to the applicable laws and rules of evidence. It also provides that a finding that is based on that evidence is inadmissible in any other proceeding.
7. It requires the court to make findings of fact on the record on which the jeopardy determination is based; it provides that the jeopardy determination made at the jeopardy hearing must be a fresh determination, and the judge cannot rely on the findings of fact in the preliminary protection order hearing as precedent to establish jeopardy at the jeopardy hearing. This is consistent with *In re Isaiah B.*, 1999 ME 174, 740 A.2d 988 (Me. 1999).
8. It authorizes the court to order any disposition, including custody to the department, if there is a determination of jeopardy with regard to one parent and the other parent or custodian has not been located and therefore not properly served with the petition and notice of proceedings as required by current law. If and when the parent is located, the court may hold a hearing and make a jeopardy determination with regard to that parent.
9. It adjusts the timing of the preliminary protection hearing after a preliminary protection order is issued. It provides that the hearing cannot be held less than 7 days after the order is issued and must be held before 14 days have passed since the issuance of the order. It also requires the court to order the department to schedule visitation with the child's parents and siblings within 7 days of the issuance of the order. Such visitation is not required if there is a compelling reason not to.
10. It directs the Supreme Judicial Court to consider establishing a pilot project to provide representation to parents in child protective proceedings on a contract basis with one or more attorneys or firms. A similar pilot project was undertaken to provide representation for criminal defendants.
11. It requires the Department of Human Services to report to the joint standing committees of the Legislature having jurisdiction over judiciary matters and health and human services matters about planned changes to increase care by relatives and placement with relatives, and how the department will inform families about visitation and placement options for relatives.
12. It directs the Department of Human Services to apply for a waiver to allow for the reimbursement for services and for room and board for children who have not entered into the care and custody of the department.

Judiciary

PUBLIC 710 An Act to Correct Recently Enacted Legislation
EMERGENCY

LD 2216

Sponsor(s)	Committee Report	Amendments Adopted
LAVERDIERE		H-1118
RAND		S-625

Public Law 2001, c. 710 makes several substantive and technical changes necessitated by recently enacted legislation. The Judiciary Committee reviewed the contents of the bill, although it was not referred to committee. Chapter 710 makes the following changes.

1. It clarifies that any errors in the numbering of subchapters or articles in the law, such as occurred in Public Law 2001, chapter 640, may be taken care of administratively and will ensure greater consistency in the future by allowing Roman numerals to be cited by their Arabic number equivalents.
2. It resolves a technical conflict concerning economic development incentives created by the enactment of two subparagraphs with the same number designation by Public Law 2001, chapter 642 and chapter 652, corrects a cross-reference to the subparagraphs being renumbered and provides an appropriate effective date.
3. It corrects an error in Public Law 2001, chapter 617 that imposed surcharges, fines and forfeitures for violations of the animal welfare laws.
4. It corrects language added by Public Law 2001, chapter 545 concerning service credit purchases by employees of the Maine Technical College System by taking out the reference to electing to purchase service credits. That deletion is consistent with other provisions in chapter 545.
5. It corrects a conflict created by Public Law 2001, chapter 559, Part KK, chapter 604, and chapter 697, Part B, relating to law enforcement training for Capitol Security officers.
6. It corrects a conflict created by Public Law 2001, chapters 671 and 687 that amended the same section of law with different wording concerning who may accompany a person holding a motor vehicle instruction permit.
7. It clarifies the language in the definition of "employee" in the workers' compensation laws concerning family members of members of limited liability companies who are also employed by that LLC.
8. It clarifies the law concerning seat belts and child safety seats to ensure that children who are 8 years of age are required to be properly secured in a seat belt.
9. It corrects a reference to the Bureau of Elder and Adult Services within the Department of Human Services as the agency that administers the consumer-directed personal care assistance services program.
10. It corrects the description of funds to be provided to shelters in Bangor, Lewiston and Portland as appropriated in Public Law 2001, chapter 559.

Judiciary

11. It corrects an error in listing the qualifying year for sea urchin draggers who were inadvertently excluded from obtaining a 2002 sea urchin dragging license under Resolve 2001, chapter 112.
12. It applies the provisions of the Maine Certificate of Need Act of 2002 regarding the ability of the Commissioner of Human Services to review an application for a certificate of need to any application filed or approved on or after January 1, 1999.
13. It requires the Department of Human Services to display a copy of the dental amalgam brochure on its Internet site and deletes language requiring that copies of the poster and brochure be provided to dentists at cost. It also amends the statutes to be consistent with the rules adopted by the Department of Human Services concerning dental amalgam and alternatives.

Labor

PUBLIC 490 An Act to Clarify the Application of Workers' Compensation Coverage Requirements to Wood Harvesters

LD 2052

Sponsor(s)	Committee Report OTP	Amendments Adopted
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Public Law 2001, chapter 490 clarifies the exemption from workers compensation law for persons engaged in harvesting forest products. It provides that family members and certain partners of persons who contract with landowners need not themselves qualify as independent contractors as long as the person who contracts with the landowner meets the criteria for obtaining a certificate of independent status or a predetermination of independent contractor status.

PUBLIC 518 An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws

LD 2053

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-793
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Public Law 2001, chapter 518 clarifies that members of limited liability companies are treated the same as partners in limited partnerships for certain purposes under the workers compensation law. It allows a member of a limited liability company to elect to be personally covered by the law and it allows certain family members of limited liability companies to waive coverage under the law.

PUBLIC 545 An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System

LD 1884

Sponsor(s) YOUNGBLOOD FISHER	Committee Report OTP-AM	Amendments Adopted S-445
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Public Law 2001, chapter 545 allows Maine Technical College System employees who are former members of the Maine State Retirement System who opted out of the membership in the retirement system in order to participate in the defined contribution plan offered by the MTCS through the Teachers Insurance and Annuity Association/College Retirement Equities Fund in 1999 and 2000 to switch back to membership in the retirement system within a 6-month period provided they repay the amount of their withdrawn contributions plus interest. Chapter 545 also provides that employees of the Maine Technical College System who were not former members of the Maine State Retirement System and who elected to join the defined contribution plan when they became employees of the MTCS may elect to join the retirement system under the same conditions. The law also allows both employees of the MTCS who are former members of the Maine State Retirement System and those who are not former members of the Maine State Retirement System and who elect to join or rejoin the retirement system under this law to purchase service credit under the retirement system for the period of time they participated in the defined contribution plan offered by the MTCS if they pay to the retirement system the full actuarial cost of the benefit associated with that service.

Labor

PUBLIC 556 An Act to Expedite Employment in Maine Industry

LD 2066

Sponsor(s) BENNETT	Committee Report OTP-AM	Amendments Adopted S-459
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Public Law 2001, chapter 556 permits employers to perform a screening test on job applicants using a so-called "rapid response" test. Such tests are read at the point of collection rather than being sent to a laboratory for analysis. If the screening test is positive, it must be sent to a qualified laboratory for analysis. Positive results may be used to reject an applicant only if the laboratory confirms the positive result. If the "rapid-response" test is used, the employer's written policy must include procedures for ensuring confidentiality of test results and for training.

PUBLIC 557 An Act to Clarify the Status of Retirees Who Return to Service Under the Maine State Retirement System

LD 1970

Sponsor(s) NORTON EDMONDS	Committee Report OTP-AM	Amendments Adopted H-874
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Public Law 2001, chapter 557 clarifies that a retired teacher who returns to work under Public Law 2001, chapter 442 is eligible upon ceasing work to return to coverage under the group health insurance plan in effect for active teachers in the school unit from which the teacher originally retired, including state payment of a percentage of the premium cost under the Maine Revised Statutes, Title 20-A, section 13451. Chapter 557 further clarifies that a retired teacher who returns to work as a teacher under the provision of chapter 442, which was enacted in 2001, is eligible to participate in the group health insurance plan for active teachers in the school administrative unit in which that teacher is working. The amendment does not affect the ability of a retired teacher, if it is acceptable to the teacher and the new employer, to remain in the group health insurance plan under which that teacher retired pursuant to the Maine Revised Statutes, Title 20-A, section 13451, including state payment of a percentage of the cost of that teacher's health insurance premium.

PUBLIC 622 An Act to Require Logging Contractors to Notify Landowners and Employees of the Cancellation of Workers' Compensation Insurance Coverage

LD 2077

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-907
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Public Law 2001, chapter 622 requires any person who is engaged in harvesting wood products and who is not exempt from carrying workers' compensation coverage for his or her employees to notify landowners and employees within 3 business days of cancellation of a workers' compensation insurance policy. Failure to comply with this law subjects the person to a civil forfeiture of between \$50 and \$100 for each day of noncompliance.

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The law also requires the Department of Labor to convene an interagency working group, including the Workers' Compensation Board, to review efforts to enforce the workers' compensation coverage requirement in the forest products harvesting industry, to develop accident-reduction systems in that industry, to consider ways to enhance data collection to assist in reducing accidents and to consider how enforcement and accident prevention can be of benefit in other industries and work places. The law requires the Department to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 15, 2003. The committees are authorized to report out legislation in response to the report.

PUBLIC 625 An Act to Amend the Law Regarding Severance Pay

LD 2001

Sponsor(s) BOWLES CARPENTER	Committee Report OTP-AM	Amendments Adopted H-948
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Public Law 2001, chapter 625 requires the Department of Labor to adopt rules to clarify implementation of the severance pay law. Initial rules must be provisionally adopted as major substantive rules and submitted to the Legislature for review by January 15, 2003.

**PUBLIC 628 An Act to Amend the Maine Overtime Pay Provisions Regarding
EMERGENCY Certain Drivers and Drivers' Helpers**

LD 2108

Sponsor(s) BUNKER TURNER	Committee Report OTP-AM	Amendments Adopted H-999
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Public Law 2001, chapter 628 provides, retroactive to January 1, 1995, that interstate truck drivers and driver's helpers whose hours are regulated by the federal Motor Carrier Act are exempt from Maine's overtime law. However, beginning September 1, 2003, most such drivers and driver's helpers will be exempt from the overtime law only if they receive overtime pay reasonably equivalent to the pay that would be required under Maine's overtime law. The Department of Labor may adopt major substantive rules setting forth standards for determining whether pay is "reasonably equivalent." Also retroactive to January 1, 1995, drivers and driver's helpers who are governed by a collective bargaining agreement that regulates such pay, and those who are employed by an entity under contract with the federal government that dictates pay are exempt from the Maine law, regardless of whether they meet the "reasonably equivalent" standard. Cases pending on March 20, 2002 are not affected by the new law.

Public Law 2001, chapter 628 was enacted as an emergency measure, effective April 5, 2002.

Labor

PUBLIC 641 An Act to Increase the Opportunities of Retired State Employees to LD 1988
Enroll a Spouse or Dependents in the Maine State Health Insurance
Plan

Sponsor(s)	Committee Report	Amendments Adopted
DAVIS P	OTP-AM	S-461
COLWELL		

Public Law 2001, chapter 641 authorizes a retired state employee to add coverage of a spouse or dependent under the retiree's state group health insurance plan at the time of retirement or at a later date if the retiree had designated that spouse or dependent for later coverage and the spouse or dependent can demonstrate at least 18 months of continuous coverage under another health insurance plan at the time of enrollment. Current law, which is not changed by chapter 641, allows a spouse or dependents to be added at the time of significant life events, such as marriage or birth of a child. The retiree is responsible for payment of the premiums for a spouse or dependent enrolled in coverage under the state group plan.

PUBLIC 646 An Act to Provide Retirement Equity for Capital Security Officers LD 2028
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
COLWELL	OTP-AM	H-846
DAGGETT		

Public Law 2001, chapter 646 includes capital security officers in the Maine State Retirement System 1998 Special Plan effective July 1, 2002

Public Law 2001, chapter 646 was enacted as an emergency measure effective July 1, 2002.

PUBLIC 657 An Act to Protect Retirement Income LD 2006

Sponsor(s)	Committee Report	Amendments Adopted
COLWELL	OTP-AM	H-873
MARTIN		

Public Law 2001, chapter 657 provides that, beginning July 1, 2002, a Legislator who is a public school teacher or an employee of the Vocational-Technical Institute System who takes a leave of absence in order to serve as a Legislator may make contributions to the Maine State Retirement System on the amount that represents the difference between the salary earned as a Legislator and the salary the Legislator would have received in the Legislator's job as a teacher thus preserving a higher level of compensation for purposes of calculating retirement benefits. The law also requires the State to pay the employer share of contributions on the difference between the legislative salary and the teaching salary of those who elect the option.

Labor

PUBLIC 663	An Act Regarding Workers' Compensation Benefits for Firefighters, Rescue Workers and Safety Workers Who Contract Certain Communicable Diseases	LD 1746
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Sponsor(s) DUPLESSIE	Committee Report OTP-AM	Amendments Adopted H-931
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Public Law 2001, chapter 663 provides that a firefighter, emergency medical services person, law enforcement officer or corrections officer who contracts hepatitis, meningococcal meningitis or tuberculosis is presumed under the workers' compensation law to have contracted the disease in the course of employment if certain criteria are met. First, the person must have run a high risk of exposure in the course of that work. Second, the person must sign an affidavit stating that, to the best of the person's knowledge, there are not other likely sources of the disease. Third, a person must have received immunization against the diseases if the employer requires it and the immunization is medically recognized, unless the worker's physician determines that the immunization would pose a risk to the worker. Finally, except for persons employed or providing service prior to the effective date of the bill, the person must have had a negative test for hepatitis or tuberculosis prior to diagnosis.

PUBLIC 684	An Act to Promote Organ Donation	LD 1945
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Sponsor(s) MARLEY BROMLEY	Committee Report OTP-AM	Amendments Adopted H-840 S-554 GOLDTHWAIT
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Public Law 2001, chapter 684 amends the state Family and Medical Leave Act to authorize a person to take leave from his or her job in order to donate an organ to be used for human organ transplant.

PUBLIC 685	An Act to Promote Safety of Families through the Workplace	LD 1960
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Sponsor(s) SAXL EDMONDS	Committee Report OTP-AM	Amendments Adopted H-841 S-555 GOLDTHWAIT
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Public Law 2001, chapter 685 amends the law allowing victims of violence to take a leave from work to attend to legal and medical needs arising from the violence. Chapter 685 allows a person to take leave to attend to the needs of a child, parent or spouse who is the victim of violence as well as being able to take a leave if the employee himself or herself is the victim.

Labor

PUBLIC 692 An Act to Increase the Workers' Compensation Insurance Assessment to Fund a Hearing Officer Position

LD 2051

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	
	ONTP	MIN	

Public Law 2001, chapter 692 increases the cap on the Workers Compensation Board Administrative Fund assessment from \$6,735,000 to \$6,860,000 beginning in fiscal year 2002-03. It also allocates the additional \$125,000 to be used by the Board to fund a hearing officer in the Caribou regional office of the Workers Compensation Board, and authorizes an additional hearing officer position for the Board.

PUBLIC 699 An Act to Amend Maine State Retirement System Statutes

LD 2185

Sponsor(s)	Committee Report		Amendments Adopted

Public Law 2001, chapter 699 accomplishes 2 purposes. First, it includes within the definition of “teacher” under the Maine State Retirement System a school employee for whom certification by the Department of Education is required whose duties include either (1) the setup, maintenance or upgrading of a school computer system the purpose of which is to assist in the introduction of new learning to students or (2) providing school faculty orientation and training related to use of the computer system.

Second, chapter 699 repeals the current law that provides for reduction in benefits for retirees of participating local districts under the Maine State Retirement System who return to employment in a participating local district covered by the retirement system if they exceed certain earnings limitations. The bill would permit retirees to return to covered service and keep both their pension and their full earnings. Retirees who take advantage of the provisions of the bill would not be eligible to earn additional retirement benefits based on their return to service employment. This part of the bill is similar to Public Law 2001, chapter 442 enacted last year and covering state employees and teachers.

PUBLIC 701 An Act Concerning Disability Retirement Benefits under the Maine State Retirement System

LD 2197

Sponsor(s)	Committee Report		Amendments Adopted

Public Law 2001, chapter 701 extends the rollback of disability retirement benefit reductions based on increased earnings capacity by the Maine State Retirement System under Public Law 2001, chapter 443 from January 1, 2003 to February 15, 2004.

Labor

PUBLIC 706	An Act to Protect Workers from Unilateral Imposition of Random or Arbitrary Drug Testing	LD 2098
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Sponsor(s)	Committee Report	Amendments Adopted
DUNLAP	OTP-AM MAJ	H-887
CATHCART	ONTP MIN	S-537 EDMONDS

Public Law 2001, chapter 706 amends the law governing random substance abuse testing in the workplace. Chapter 706 provides that an employer that chooses to implement a random testing program through collective bargaining may not implement such a program through implementation of the employer's last best offer when bargaining reaches an impasse.

PUBLIC 707	An Act to Address the Unfunded Liability of the Maine State Retirement System and the Equity of Retirement Benefits for State Employees and Teachers	LD 2199
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Sponsor(s)	Committee Report	Amendments Adopted
MICHAUD MH SAXL	OTP-AM	S-521 S-618 GOLDTHWAIT

Public Law 2001, chapter 707 requires the State to retire the unfunded liabilities of the Maine State Retirement System at a specific rate that is not less than the amount paid during the immediately preceding fiscal year. If the unfunded liability payment which is actuarially determined would be less than the amount paid in the immediately preceding year, the Board of Trustees of the Maine State Retirement System is directed to recommend a methodology to adjust plan funding in order to realize payment of the required amount; if no such methodology can be identified, then a General Fund appropriation in the amount of the difference between the General Fund portions of the unfunded liability payment in the 2 years in question must be sought.

Chapter 707 also establishes the Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers to study the impact of the changes made to the law that treat state employees and teachers who did not have 10 years of creditable service on July 1, 1993 less favorably than those with 10 years of creditable service before July 1, 1993. The Task Force is to report to the Labor Committee which is authorized to introduce legislation to the First Regular Session of the 121st Legislature.

PUBLIC 712	An Act to Ensure that 25% of Workers' Compensation Cases with Permanent Impairment Remain Eligible of Duration of Disability Benefits in Accordance with the Workers' Compensation Act	LD 2202
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Sponsor(s)	Committee Report	Amendments Adopted
KILKELLY	OTP-AM MIN	S-623

Public Law 2001, chapter 712 amends the Workers' Compensation Act of 1992 to provide specific rules for determining the degree of an injured worker's permanent impairment, for purposes of

Labor

determining whether the worker is entitled to benefits for the duration of disability. The law provides that the permanent impairment calculation includes impairment from (1) the current work injury; (2) other injuries or physical conditions that are aggravated or accelerated by the current work injury; and (3) for injuries occurring on or after January 1, 2003, prior work injuries that contribute to the employee's disability, if the worker received a benefit for that prior work injury under the Maine Workers' Compensation Act of 1992, the prior injury was not found to be ineligible under that Act, and the worker did not receive a lifetime lump sum settlement for that injury. The rules apply to permanent impairment determinations for injuries occurring on or after January 1, 1993, but it does not change any determination that was made and finalized before the effective date of the new law. Chapter 712 also assists the Workers Compensation Board in revising the threshold for determining eligibility for duration-of-disability benefits by requiring the Board to hire actuaries and to submit the issue to arbitration if the board is unable to adjust the threshold.

P & S 60	An Act to Establish the Administrative Operating Budget for the	LD 2030
EMERGENCY	Maine State Retirement System for the Fiscal Year Ending June 30, 2003	

Sponsor(s)	Committee Report OTP	Amendments Adopted
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Private and Special Law 2001, chapter 60 establishes annual administrative operating budget of the Maine State Retirement System for fiscal year 2002-03.

Private and Special Law 2001, chapter 60 was enacted as an emergency measure effective July 1, 2002.

P & S 70	An Act to Safeguard Volunteer Firefighters' Regular Employment	LD 1946
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Sponsor(s)	Committee Report	Amendments Adopted
HUTTON	OTP-AM MAJ	H-947
KILKELLY	ONTP MIN	S-536 O'GARA

Private and Special Law 2001, chapter 70 requires the Maine Fire Protection Services Commission to examine the issue of providing protection to a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency. The Commission is required to report its findings and recommendations on the issue to the legislative committees on labor and criminal justice by December 31, 2002. Those committees are authorized to report out legislation in response to the Commission report.

Labor

RESOLVE 103 **Resolve, Regarding Legislative Review of Chapter 9: Rules** **LD 2137**
EMERGENCY **Governing Administrative Civil Money Penalties for Labor Law**
 Violations, a Major Substantive Rule of the Department of Labor,
 Bureau of Labor Standards

Sponsor(s)	Committee Report	Amendments Adopted
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OTP

Resolve 2001, chapter 103 authorizes the Department of Labor to finally adopt a rule setting forth the criteria for imposing administrative civil money penalties for certain labor law violations. The rule is Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a major substantive rule of the Department of Labor, Bureau of Labor Standards. The Legislature did not require any change in the rule as provisionally adopted by the department.

Resolve 2001, chapter 103 was finally passed as an emergency measure, effective April 4, 2002.

RESOLVE 115 **Resolve, to Continue the Study of the Benefits and Costs for** **LD 2058**
 Increasing Access to Family and Medical Leave for Maine Families

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ	H-847
	ONTTP MIN	S-545 GOLDTHWAIT

Resolve 2001, chapter 115 provides for continuation of the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families, which was created by joint order in the First Regular Session of the 120th Legislature.

RESOLVE 126 **Resolve to Fund the Operations of the Workers' Compensation** **LD 2217**
 Board for Fiscal Year 2002-03

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J		
BUNKER		

Resolve 2001, chapter 126 authorizes the Workers' Compensation Board to use up to \$1,341,750 from its reserve account in fiscal year 2002-2003 to fund operational needs, technological improvements, contracted staff for the worker advocate program, and collective bargaining costs.

Legal & Veterans' Affairs

PUBLIC 500 An Act to Clarify the On-premise Liquor License Application Process LD 1883

Sponsor(s) DAVIS P LABRECQUE	Committee Report OTP	Amendments Adopted
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Public Law 2001, chapter 500 clarifies that municipal officers or county commissioners have 60 days to take final action on a new application for an on-premise liquor license. Renewal license applications must be approved within 120 days.

PUBLIC 501 An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises LD 1908

Sponsor(s) DOUGLASS LABRECQUE	Committee Report OTP-AM	Amendments Adopted S-418
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Public Law 2001, chapter 501 corrects language contained in the provision of law governing the issuance of brewery and small brewery licenses so that it is consistent with the provision that prohibits the sale of any liquor or imitation liquor for consumption by a minor.

PUBLIC 502 An Act to Allow Approval of Internet-based Alcohol Server Education Courses LD 1919

Sponsor(s) DOUGLASS LABRECQUE	Committee Report OTP	Amendments Adopted
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Public Law 2001, chapter 502 authorizes the Commissioner of Public Safety or the commissioner's designee to approve Internet-based alcohol server education courses.

PUBLIC 512 An Act to Amend the Civil Service Law with Respect to Veterans' Preference LD 1915

Sponsor(s) DOUGLASS DUNCAN	Committee Report OTP	Amendments Adopted
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Public Law 2001, chapter 512 broadens eligibility for veterans' preference in making appointments to the classified service by eliminating the requirement for participation in a war, campaign or expedition defined in the current law. As a result, it eliminates distinctions as to the period of service that currently exist in the veterans' preference statute.

Legal & Veterans' Affairs

PUBLIC 516 An Act to Amend the Election Laws

LD 2023

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM	H-776
DOUGLASS		S-422 DOUGLASS

Public Law 2001, chapter 516 clarifies that election officials must open the boxes of ballots on election day to verify the number of ballots received. This law sets a time certain that the incoming voting list must remain sealed after an election. It clarifies the information that must be included in the election returns from the municipalities, as well as the Secretary of State's tabulation of the vote. Chapter 516 also specifies that a candidate must receive at least one vote in the primary or other election in order to win by a plurality of the votes cast. The law also provides for a poster to advise prospective registrants and voters of their rights. It provides for the federal absentee ballot to be used by members of the United States Armed Forces and citizens outside the United States in primary and general elections. Finally, this law makes several changes to the statutes in order to be consistent with recent court decisions regarding voting rights of persons under guardianship for mental illness, Congressional term limitations and payment for the collection of petition signatures.

PUBLIC 535 An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices

LD 1890

Sponsor(s)	Committee Report	Amendments Adopted
BENNETT	OTP MAJ	
	ONTP MIN	

Public Law 2001, chapter 535 repeals the provision of law that requires the Commission on Governmental Ethics and Election Practices to keep a request for investigation confidential if it is filed within 10 business days immediately preceding the election.

PUBLIC 538 An Act to Amend Certain Statutes Regarding Beano and Games of Chance

LD 2015

Sponsor(s)	Committee Report	Amendments Adopted
CHIZMAR	OTP-AM	H-848

Public Law 2001, chapter 538 specifies that non-profit organizations must be in existence for 2 consecutive years in order to be eligible for a license to conduct games of chance. This law provides that the Chief of the State Police may require evidence from a licensee regarding the conduct of beano or games of chance in order to determine compliance with the laws governing those games. Chapter 538 also permits licensed agricultural fair societies to use tokens in the denomination of \$1 for games of chance.

Legal & Veterans' Affairs

PUBLIC 567 An Act Regarding Horse Racing

LD 289

Sponsor(s)
MCKENNEY
FERGUSON

Committee Report
OTP-AM

Amendments Adopted
H-794

Public Law 2001, chapter 567 amends the definition of a "commercial track" by deleting the different criteria that currently apply to areas with different populations. It also makes technical changes to make the use of this term consistent with the term "commercial licensee." Public Law 2001, chapter 567 specifies that harness racing judges for commercial tracks are appointed by the State Harness Racing Commission with the approval of the track and that the judges are hired as employees of the track on an annual basis. It also provides for the transfer of a commercial track license to another location. This law provides that if a race date at a commercial track is canceled due to a horse shortage that race date is still valid for the purposes of meeting the number of race dates required for the track to qualify as a commercial track.

PUBLIC 589 An Act to Ensure Proper Disbursement of Matching Funds under the Maine Clean Election Act

LD 2169

Sponsor(s)
TUTTLE

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-971

Public Law 2001, chapter 589 amends the accelerated reporting schedule for traditionally funded candidates who have received or spent 101% of the amount disbursed to their opponents who are financed by the Maine Clean Election Act. The 42nd day report will reflect activity through the 44th day prior to election day, the 21st day report will reflect activity through the 23rd day prior to election day and the 12th day report will reflect activity through the 14th day prior to election day. Under this law, the requirement for filing 48 hour single expenditure reports begins the 14th day prior to election day.

PUBLIC 637 An Act to Establish a Centralized Voter Registration System for the State

LD 2182

Sponsor(s)

Committee Report

Amendments Adopted

Public Law 2001, chapter 637 defines "centralized voter registration system" and authorizes the Secretary of State to apply for and receive funds for the establishment of a centralized voter registration system. It establishes the Centralized Voter Registration Advisory Committee to assist the Secretary of State and requires the Secretary of State to develop a pilot program to test a centralized voter registration system and fully implement a centralized voter registration system by December 31, 2007. Under this law, the Secretary of State is authorized to adopt rules to implement and administer a centralized voter registration system. Such rules would be major substantive rules. The Secretary of State is required to report annually to the joint standing committee of the Legislature

Legal & Veterans' Affairs

having jurisdiction over voter registration matters and may recommend legislation necessary to implement or administer the centralized voter registration system.

PUBLIC 662 An Act to Update the Department of Defense, Veterans and Emergency Management Laws

LD 1752

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM	H-837
DOUGLASS		H-946 TUTTLE
		S-557 DOUGLASS

Public Law 2001, chapter 662 makes technical language changes throughout the Department of Defense, Veterans and Emergency Management's laws, modifies the Maine Code of Military Justice, authorizes the sale of 2 armories in accordance with established procedures, fortifies reemployment rights of service members, redesignates veteran service officers to veteran advocates and modifies the mechanism by which the Governor declares a state of emergency. Chapter 662 specifies that the sale of the Caribou Armory must be at market value. Current law states that a veteran is eligible for burial in the veterans' cemetery if he or she was a resident of the State at the time of entering military service or at the time of death. This requirement is repealed by this law. It authorizes the Governor to enter into an agreement with the Federal Emergency Management Agency for debris removal financial assistance. Under this agreement the Governor is authorized to indemnify the Federal Government against any claim arising from such removal as required by federal law. Chapter 662 reenacts the River Flow Advisory Commission that was inadvertently repealed by Public Law 2001, chapter 460, a law whose purpose was to "consolidate existing dam safety laws within the Department of Defense, Veterans and Emergency Management and move the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management." Finally, this law authorizes state-supported postsecondary vocational schools and institutions to reduce the tuition waiver by the amount necessary to ensure that the value of the waiver, combined with other grants and benefits, does not exceed the total cost of the education.

PUBLIC 672 An Act to Make the Use of Tokens or Tickets for Games of Chance EMERGENCY at Agricultural Fairs Optional

LD 2055

Sponsor(s)	Committee Report	Amendments Adopted
CHICK	OTP-AM MAJ	H-853
WOODCOCK	ONTP MIN	S-512 MILLS

Public Law 2001, chapter 672 makes the use of tokens an optional method for controlling revenue in games of chance conducted at agricultural fairs. It authorizes the Chief of the State Police to adjust record-keeping and reporting requirements for licensees who choose to use tokens.

Public Law 2001, chapter 672 was enacted as an emergency measure effective April 11, 2002.

Legal & Veterans' Affairs

PUBLIC 676 An Act to Include a Woman Veteran on the Board of Trustees of LD 2211
the Maine Veterans' Homes

Sponsor(s)	Committee Report	Amendments Adopted
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Public Law 2001, chapter 676 amends the law governing the membership of the Board of Trustees of the Maine Veterans' Homes. It increases the membership from 10 to 11 and requires that at least one member appointed to the board be a female veteran.

PUBLIC 711 An Act to Implement the Recommendations of the Commission to LD 2123
Develop a Plan to Implement the Closure of State Liquor Stores

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1122

Public Law 2001 chapter 711 maintains current law that directs the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to close six state liquor stores between June 1, 2002 and December 31, 2002. It repeals the requirement that when the Bureau of Liquor Enforcement licenses a private agency liquor store it must be at least 3.5 miles away from an existing agency liquor store. It requires an agent permitted to resell spirits and fortified wine purchased from the State Liquor Commission to a retail licensee licensed for on-premise consumption to obtain a state reselling agent license for an annual fee of \$50. Under this law, all spirits and fortified wine purchased from the State Liquor Commission will be sold at the retail price established by the commission. Finally, this law provides that an agency liquor license may be transferred to the spouse or heir of a deceased licensee as long as the spouse or heir meets all of the criteria applied to a traditional license applicant.

RESOLVE 82 Resolve, Directing the Director of the Bureau of Liquor LD 1886
Enforcement to Study the Equity of Fees for Establishments
Licensed to Sell Liquor for On-premises Consumption

Sponsor(s)	Committee Report	Amendments Adopted
BENNETT	OTP-AM	S-453
TUTTLE		

Resolve 2001, chapter 82 directs the Director of the Bureau of Liquor Enforcement within the Department of Public Safety to study the equity of fees for establishments licensed to sell spirits, wine and malt liquor for on-premises consumption. The report is to be submitted to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters by December 31, 2003.

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RESOLVE 109 EMERGENCY	Resolve, Regarding Legislative Review of Chapter 3: Maine Clean Elections Act and Related Provision Amendments, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices	LD 2183
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Sponsor(s)

Committee Report
OTP

Amendments Adopted

Resolve 2001, chapter 109 approved major substantive rules governing the Maine Clean Election Act administered by the Commission on Governmental Ethics and Election Practices. Some of the rules adopted govern distribution of matching funds, record-keeping by participating candidates, the return of unspent funds and the liquidation of property purchased with Maine Clean Election Act funds.

Resolve 2001, chapter 109 was finally passed as an emergency measure effective April 8, 2002.

Marine Resources

PUBLIC 558 An Act to Designate the Great Salt Bay Marine Shellfish Preserve LD 2172

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

Public Law 2001, chapter 558 designates the Great Salt Bay in Lincoln County as a marine shellfish preserve. The purpose of the designation is to gain a better understanding of the structure, function and integrity of marine shellfish ecosystems and to improve educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance. Chapter 558 prohibits the harvesting of shellfish and other harvesting activities that involve bottom disturbance. Research activities are excluded from the prohibition. Chapter 558 also directs the Department of Marine Resources to participate in a privately funded study of the bay.

PUBLIC 581 An Act to Establish Educational Requirements for Granting LD 1996
Noncommercial Lobster Licenses

Sponsor(s)	Committee Report	Amendments Adopted
ETNIER	OTP-AM	H-935
EDMONDS		

Public Law 2001, chapter 581 requires that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete a written examination if the applicant has not either previously passed the examination or previously held a commercial lobster license. It also requires the Department of Marine Resources to provide to each applicant a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license. A surcharge will be collected from persons taking the written examination sufficient to cover the costs to the department of producing the pamphlet and producing and grading the examinations. Surcharges collected will be deposited in the Lobster Management Fund.

PUBLIC 587 An Act to Allow Qualified Shellfish Harvesters to Continue to LD 2152
EMERGENCY Sample Water Quality

Sponsor(s)	Committee Report	Amendments Adopted
ETNIER	OTP-AM	H-933
SMALL		

Public Law 2001, chapter 587 provides that a commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the Department of Marine Resources may serve as a volunteer water quality sampler for the department.

Chapter 587 was enacted as an emergency measure effective April 1, 2002.

Marine Resources

PUBLIC 595	An Act to Implement the Recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing	LD 2118
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Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-934
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Public Law 2001, chapter 595 implements some of the recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. It directs the Land and Water Resources Council to review the structure and effectiveness of coastal management in Maine; it creates a working group of state agencies that deal with coastal water-access issues; and it directs the Department of Marine Resources to study the value of creating a seafood innovation, marketing and research fund.

RESOLVE 112 EMERGENCY	Resolve, Dealing With One-time License Transfers of Sea Urchin Dragging Licenses	LD 2213
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Sponsor(s)	Committee Report	Amendments Adopted
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Resolve 2001, chapter 112 allows new sea urchin dragging licenses to be issued to certain persons who fish for sea urchins who were not able to qualify for license transfers under the one-time license transfer program. The resolve sets deadlines within which an affected person who fishes must provide documentation to the Commissioner of Marine Resources that the person who fishes meets the requirements. See Public Law 2001, chapter 710, sections 22 and 23. Chapter 710 is summarized in the Judiciary Committee section.

Resolve 2001, chapter 112 was finally passed as an emergency measure effective April 9, 2002.

Natural Resources

PUBLIC 523 An Act to Repeal the Retroactive Effect of Changes Made to the
EMERGENCY Subdivision Laws

LD 2037

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO SAWYER	OTP-AM	H-835

Public Law 2001, chapter 523 provides that only section 4 of Public Law 2001, chapter 359 was retroactive to June 1, 2001. All other sections of Public Law 2001, chapter 359 were effective on September 21, 2001, the general effective date for nonemergency legislation. During the First Regular Session of the 120th Legislature, "An Act to Implement the Recommendations of the Task Force to Study Growth Management" was enacted and signed into law as Public Law 2001, chapter 359. Public Law 2001, chapter 359, section 8 contained a retroactive application clause that made the entire law effective June 1, 2001.

Public Law 2001, chapter 523 was enacted as an emergency measure effective March 12, 2002.

PUBLIC 533 An Act to Require Additional Transportation Information on the
Maine Chemical Inventory Reporting Form

LD 2069

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-836

Public Law 2001, chapter 533, requires that a person required to submit a Maine chemical inventory reporting form that includes information regarding a description of the manner in which chemicals are shipped to a facility must also include standard and alternate transportation routes taken through Maine. The law also requires that records held by the State Emergency Response Commission regarding standard and alternate transportation routes are confidential and therefore exempt from the public disclosure provisions of the freedom of access laws under the Maine Revised Statutes, Title 1, chapter 13, subchapter I. The law also allows the State Emergency Response Commission to provide those records to state, county or local emergency management agencies or officials, but requires those agencies or officials to hold those records as confidential.

PUBLIC 561 An Act Regarding the Deferral of Loan Repayments for
Remediation of Waste Oil Sites

LD 1849

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-458

Public Law 2001, chapter 561 defers repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency determines that construction of the final remedy is complete.

Natural Resources

PUBLIC 575 An Act to Facilitate the Closure of Privately Owned Solid Waste EMERGENCY Landfills

LD 1897

Sponsor(s)	Committee Report		Amendments Adopted
SAWYER	OTP-AM	MAJ	S-465
DAIGLE	ONTP	MIN	

Public Law 2001, chapter 575 provides the Department of Environmental Protection with discretion to use more than one financial assurance mechanism to provide for the closure and postclosure care of privately owned landfills. It also allows the department to substitute certain financial requirements for any of the financial assurance mechanisms allowed under the law.

Public Law 2001, chapter 575 was enacted as an emergency measure effective March 28, 2002.

PUBLIC 576 An Act to Regulate Lead Smart Renovators and Lead Sampling Technicians

LD 1936

Sponsor(s)	Committee Report		Amendments Adopted
DUPLESSIE	OTP-AM	MAJ	H-901
	ONTP	MIN	

Public Law 2001, chapter 576, requires persons who are engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint but who are not licensed to engage in lead-based paint activities to take reasonable precautions to prevent the release of lead to the environment. This law specifies that those reasonable precautions include the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project.

The law also states that activities that may result in the release of lead to the environment include, but are not limited to, removal of lead-based paint by using open-flame burning or torching, machine sanding or grinding without high-efficiency particulate exhaust control, uncontained hydro blasting or high-pressure washing, abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust control and using heat guns operated above 1,100 degrees Fahrenheit.

PUBLIC 578 An Act to Encourage Regionalism in Municipal Growth Management

LD 2094

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	H-951
	ONTP	MIN	

Public Law 2001, chapter 578 implements a recommendation of the Joint Study Committee to Study Growth Management. It amends the comprehensive planning and land use regulation laws to add and amend definitions, particularly those related to growth, rural and transitional areas. It reinforces

Natural Resources

regional and municipal roles in growth management and more clearly enables multimunicipal planning efforts. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 578 and chapter 592.)

PUBLIC 591 An Act to Clarify the Use of Municipal Rate of Growth Ordinances LD 2062

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-918
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Public Law 2001, chapter 591 requires any municipality that enacts a rate of growth ordinance to review that ordinance at least every 3 years.

PUBLIC 592 An Act to Authorize the Transfer of Development Rights LD 2049

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-912
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Public Law 2001, chapter 592 provides that a single municipality may enact a transfer of development rights program for the transfer of development rights within the municipality's boundaries. Two or more municipalities may only provide for the transfer of development rights between municipalities if the municipalities have entered into an interlocal agreement. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 592 and chapter 578.)

PUBLIC 593 An Act Regarding Site Selection Criteria for Parking for State Facilities LD 2059

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-916
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Public Law 2001, chapter 593 clarifies that site selection criteria for state facilities may require on-site parking only if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. It also clarifies that employee parking that is within reasonable walking distance may be located off site. Finally, it requires the Department of Administrative and Financial Services to consult with the authorized bargaining agent of the employees if there is a change in employee parking at a state facility from on-site parking to off-site parking.

PUBLIC 605 An Act to Facilitate Compliance with Spill Prevention Requirements and Authorize Reimbursement for Certain Oil Spill Remediation Expenses LD 2016

Sponsor(s)	Committee Report	Amendments Adopted
CRABTREE	OTP-AM MAJ	H-945
YOUNGBLOOD	ONTP MIN	

Natural Resources

Public Law 2001, chapter 605, grants the Department of Environmental Protection the authority to enforce federal oil spill prevention, or "SPCC," requirements for gas stations and bulk plants operated by oil distributors. The law sunsets the provisions relating to the Department of Environmental Protection's ability to enforce federal SPCC requirements on October 1, 2005 and increases the personal services cap on that fund from \$2,250,000 per year to \$2,900,000.

The law also requires the Commissioner of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 on the Department of Environmental Protection's enforcement of federal SPCC requirements required in the Maine Revised Statutes, Title 38, section 570-K, subsection 5. That report is to include the number of facilities inspected under that subsection; the number of spill prevention and control and countermeasure plans reviewed by the department under that subsection; the number, nature and result of any written communications submitted to the United States Environmental Protection Agency pursuant to that subsection; the number and result of all enforcement actions taken by the department for violations of that subsection; and an overview of the educational and technical assistance efforts undertaken by the department under that subsection. That report must also include a qualitative assessment of the department's effectiveness in implementing that subsection, including an assessment by the regulated community on the department's performance under that subsection.

The law also allows the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 122nd Legislature on any matter pertaining to the State's enforcement of federal SPCC requirements.

PUBLIC 613	An Act to Amend the Law Relating to Growth-related Capital Investments	LD 2071
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Sponsor(s)	Committee Report OTP	Amendments Adopted
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Public Law 2001, chapter 613 implements a recommendation of the Joint Study Committee to Study Growth Management. It is intended to ensure that hospitals and other quasi-public facilities that use state or passed-through federal dollars are treated like other public entities regarding growth-related capital investments.

PUBLIC 614	An Act Regarding Workers' Compensation and Liability Immunity Coverage for Emergency Management Forces	LD 2084
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Sponsor(s)	Committee Report OTP	Amendments Adopted
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Public Law 2001, chapter 614 is the recommendation of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. It clarifies who may call out and be called out to assist with emergency management activities. It also clarifies who, while assisting with emergency management activities, may be deemed to be an employee of the State for purposes of immunity from liability and for purposes of workers' compensation coverage. It also changes the term "civil emergency preparedness" to "emergency management."

Natural Resources

PUBLIC 618 An Act Regarding the Clearing of Vegetation in Areas Adjacent to LD 2179
EMERGENCY Protected Natural Resources

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	S-485 MARTIN

Public Law 2001, chapter 618, changes the natural resources protection laws administered by the Department of Environmental Protection to provide the necessary statutory basis for major substantive rules to be adopted by the department that regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to protected natural resources.

Public Law 2001, chapter 618 was enacted as an emergency measure effective April 3, 2002.

PUBLIC 619 An Act to Require Major Water Users to Provide Public LD 1488
Information About Their Annual Water Withdrawals from Public
Water Resources

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	OTP-AM	H-936
TREAT		

Public Law 2001, chapter 619, requires annual water use reporting, beginning on December 1, 2003, by water users who use more than a specified threshold amount of water. A number of users are exempted from the reporting requirements, including dams and other nonconsumptive users, household users, public water systems, users who report water use under another state permit or licensing requirement, commercial or industrial storage ponds, off-stream and in-stream storage ponds and any water withdrawals made for fire suppression or other public emergency purposes. Users will report to the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Human Services or the Department of Environmental Protection, depending on the user's type of activity. The Commissioners of those departments are required to publish a list by January 1, 2003 indicating which users are required to report to which agency. Each commissioner may prescribe the form and manner of reporting, and reporting water use in ranges, rather than in specific gallons, is allowed. The law specifies that individual water use reports are confidential documents and are not public records under the State's freedom of access laws.

The Department of Environmental Protection is charged with reporting annually on the water use reporting requirement to the joint standing committee of the Legislature having jurisdiction over natural resources matters. That department's report must summarize usage on a regional basis and in a manner that does not disclose the identity of any individual user. In preparing its annual reports, the department is required to encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for addressing those issues and to solicit input on all aspects of the water use reporting programs from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the Commissioner of Human Services. The report must also include all comments and recommendations received from those departments on those requirements.

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The law also requires the Department of Environmental Protection to encourage and cooperate with state, regional or municipal agencies, boards or organizations in the development and adoption of regional or local water use policies that protect the environment from excessive drawdown of water sources during low-flow periods. The department shall encourage those entities, in developing those policies, to review previously adopted low-flow policies, such as those adopted by the Aroostook Water and Soil Management Board.

The law also directs the Board of Environmental Protection to adopt major substantive rules that establish water use standards for maintaining in-stream flows and GPA water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Water use standards must be based on the natural variation of flows and water levels and must allow for variances if use will still be protective of water quality within that classification. Those rules must be provisionally adopted by January 1, 2005 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters in the First Regular Session of the 122nd Legislature.

PUBLIC 620

An Act to Phase Out the Availability of Mercury-added Products

LD 2004

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	OTP-AM MAJ	H-925
MARTIN	OTP-AM MIN	H-953 MAYO

Public Law 2001, chapter 620, phases out over a 6-year period the sale or distribution of products that contain more mercury than a specified level. Fluorescent lamps containing more than 10 milligrams of mercury are prohibited after January 1, 2010. Products that contain mercury that are necessary to comply with federal or state health or safety requirements could be granted an exemption by the Department of Environmental Protection if the manufacturer proves that: an appropriate method exists for the collection, transportation and processing of the product at the end of its useful life; the use of the product is beneficial to the environment or protection of public health or safety; and no alternative to the mercury-added product exists. The law also bans the sale of mercury-added thermostats after January 1, 2006, except for mercury-added thermostats used for manufacturing or industrial processes and thermostats used by a blind or visually impaired person. A process is created allowing the Commissioner of Environmental Protection to allow for exemptions to the prohibition for manufacturers who demonstrate the existence of a recycling program for the mercury-added thermostats and that the use of the mercury-added thermostats provides a net benefit to the environment, public health or public safety.

The law also directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report.

Natural Resources

PUBLIC 621 An Act to Provide Incentives for Multimunicipal Development

LD 2061

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	
	ONTP	MIN	

Public Law 2001, chapter 621 amends the priorities for preferences for loans and grants from the Municipal Investment Trust Fund. It adds to the highest priority for these funds projects undertaken by 2 or more municipalities.

PUBLIC 626 An Act to Amend Certain Laws Administered by the Department of EMERGENCY Environmental Protection

LD 1964

Sponsor(s)	Committee Report		Amendments Adopted
	MARTIN	OTP-AM	
	COWGER		

Public Law 2001, chapter 626 does the following.

1. It provides the option of appointing either an underground oil storage tank inspector, a 2nd underground oil storage tank installer or a member of the Maine Chamber and Business Alliance to one slot on the Board of Underground Tank Installers.
2. It extends the dioxin monitoring program from December 31, 2002 to December 31, 2007.
3. It requires the Department of Environmental Protection to publish a list of municipalities determined to have capacity, as provided in the site law's capacity exemption, by January 1st of each year and removes a requirement that on and after January 1, 2003, the Department of Environmental Protection presume that each municipality with a population of 5,000 or more has capacity as provided in the site law's capacity exemption.
4. It requires an underground oil storage facility to be registered with the Department of Environmental Protection at least 10 business days before the facility is installed.
5. It requires owners of underground oil storage tanks, upon registration of the tanks with the Department of Environmental Protection, to provide information on tank location as necessary to determine if the tank meets siting restrictions enacted during the First Regular Session of the 120th Legislature.
6. It requires owners of the underground oil storage tanks to provide a copy of the registration form to the municipality.
7. It eliminates redundant wording in the law governing certification of fire-fighting personnel to remove underground oil storage tanks.
8. It clarifies municipal responsibility for post-closure maintenance of closed landfills.

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9. It allows the Commissioner of Environmental Protection to waive the fees on transport of hazardous waste when the fee is too small in relation to the cost of collecting it.
10. It exempts manufacturers of products that contain one or more mercury-added components from the need to notify the Department of Environmental Protection as to the amount of mercury in the components if that information is provided by the component manufacturer.
11. It corrects an error from the First Regular Session of the 120th Legislature in which the authorization for agents of the Department of Inland Fisheries and Wildlife to keep \$1 for each lake and river protection sticker sold was inadvertently omitted from the enacted law. Since those lake and river protection stickers were available for purchase as of January 1, 2002, this law also makes that authorization to keep \$1 per sticker retroactive to that date. The law also exempts motorboats owned by federal, state or local governments from the fee for the lake and river protection stickers.
12. It clarifies that the open burning of wood wastes and painted and unpainted wood from construction and demolition debris is not prohibited and that a burn permit is required for burning wood waste in incinerators smaller than 1,000 gallons and clarifies that an air emission license is not required for incinerators smaller than 1,000 gallons that burn only wood waste. This law also clarifies that the prohibition on backyard burning does not apply to packages that previously contained explosives that are being disposed of under the supervision of the State Fire Marshal.
13. It adds a provision prohibiting adding water to a well except by licensed well drillers and licensed bulk water transporters and for aquifer recharges conducted in accordance with existing rules of the Department of Environmental Protection. Exceptions to this prohibition are provided for monitoring wells, wells constructed exclusively for the relief of artesian pressure at hydroelectric projects, wells constructed for temporary dewatering purposes and wells constructed for the purposes of extracting oil, gas or brine.
14. It provides for a reduced period of time for notices of asbestos removal that are delivered to the Department of Environmental Protection in person and allows the department to further reduce the notification period if necessary to protect human health or the environment.

Public Law 2001, chapter 626 was enacted as an emergency measure effective April 5, 2002.

PUBLIC 648

An Act to Establish the Community Preservation Advisory Committee

LD 2070

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	
	ONTP	MIN	
			H-950
			S-542 GOLDTHWAIT

Public Law 2001, chapter 648 establishes the Community Preservation Advisory Committee as an ongoing entity to advise the Governor, the Legislature and the State Planning Office on matters relating to community preservation. The committee membership includes the Director of the State Planning Office, Legislators, the Director of the Maine Historic Preservation Commission and public members.

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Staff is provided by the State Planning Office and the Legislative Council may provide drafting assistance with recommended legislation.

The Maine State Housing Authority is directed to provide compensation, with existing budgeted resources, for public members of the committee who are not otherwise reimbursed for their service on the committee.

PUBLIC 649 An Act to Establish the Maine Library of Geographic Information LD 2116

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	
	ONTP	MIN	
			H-952
			S-552 GOLDTHWAIT

Public Law 2001, chapter 649 creates the Maine Library of Geographic Information and the Maine Library of Geographic Information Board.

PUBLIC 651 An Act Relating to Subdivision Review and Title Search Procedures LD 2119

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	
	OTP-AM	MIN	
			S-472
			S-487 MARTIN

Public Law 2001, chapter 651 places limits on the ability of municipalities to modify the definition of "subdivision". It provides that a municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in state law. If, at the time this Act takes effect, a municipality has a definition of "subdivision" that conflicts with the statutory definition of "subdivision," that municipality must file its conflicting definition of "subdivision" at the registry of deeds by June 30, 2003 and must comply with the requirements of the statutory definition by January 1, 2006. A definition filed at the registry of deeds must be collected and indexed in a separate book in the registry of deeds. Chapter 651 also removes the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review.

PUBLIC 656 An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles LD 1921

Sponsor(s)	Committee Report		Amendments Adopted
	OTP-AM	MAJ	
	OTP-AM	MIN	
MARTIN			S-476
COWGER			S-535 MARTIN

Public Law 2001, chapter 656 requires automobile manufacturers to establish a statewide system to collect, consolidate and recycle the mercury switches removed from motor vehicles with the goal of collecting and recycling at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. Under this law, persons who handle motor vehicles at the end of the vehicles use are responsible for removing mercury switches and headlamps before the vehicles are crushed for recycling. The program allows for the voluntary removal of switches from a vehicle still in use by persons trained by the Department of Environmental Protection. Persons who bring mercury switches to a consolidation facility are entitled to receive \$1 for each switch, funded by the automobile

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manufacturers. The Department of Environmental Protection is responsible for providing training on universal waste rules as necessary to ensure the safe removal and proper handling of mercury switches, to design and distribute stickers required to be affixed to a motor vehicle if the switches are removed from a vehicle still in use and to provide public education materials. The law prohibits automobile manufacturers from establishing consolidation facilities for the collection of mercury switches at new or used car dealerships and requires automobile manufacturers doing business in the State to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee collected on new car sales that is used to pay for the manufacturer's responsibilities under the mercury switch collection program. The law also prohibits manufacturers of motor vehicles from requiring a person who removes mercury switches from segregating the switches by manufacturer.

The law also allows the Board of Environmental Protection to revise universal waste rules as necessary to establish standards for handling mercury switches as universal waste and requires the Department of Environmental Protection to report to the Legislature's Mercury Products Advisory Committee on the program, beginning on January 1, 2005.

PUBLIC 670 An Act to Restrict the Availability of Products with Excessive
EMERGENCY Levels of Arsenic

LD 1944

Sponsor(s)	Committee Report	Amendments Adopted
COWGER	OTP-AM MAJ	H-937
MARTIN	OTP-AM MIN	

Public Law 2001, chapter 670 allows the Department of Agriculture, Food and Rural Resources to require additional information when registering fertilizers and expands what is considered an adulterated commercial fertilizer to include fertilizers containing deleterious or harmful substances in sufficient amount to render them injurious to beneficial plant life, animals, humans, aquatic life, soil or water. This law also requires the Commissioner of Agriculture, Food and Rural Resources to adopt routine technical rules within 90 days after the effective date of this bill that list the information that may be required by the department when registering fertilizer and that list the type and amounts of substances that are considered deleterious in adulterated commercial fertilizers. The department must submit those rules in January of 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. That committee is authorized to report out legislation on matters pertaining to the information that may be requested by the department when registering fertilizers or pertaining to adulterated commercial fertilizers.

This law also states that changes to the agricultural laws pertaining to registering fertilizers and to the definition of adulterated fertilizers may not be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under its laws or its rules.

Public Law 2001, chapter 670 was enacted as an emergency measure effective April 11, 2002.

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PUBLIC 673

An Act to Revise the Definition of Affordable Housing

LD 2099

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1075

Public Law 2001, chapter 673 amends the definition of affordable housing in the growth management laws.

PUBLIC 695

An Act to Include all State-supported Institutions of Higher Education in the Clean Government Initiative

LD 2145

Sponsor(s)	Committee Report	Amendments Adopted
BAKER TREAT	OTP-AM	H-1047

Public Law 2001, chapter 695 expands the Clean Government Initiative to apply to the University of Maine System, the Maine Maritime Academy and the Maine Technical College System. Under current law, the Clean Government Initiative assists state agencies in meeting applicable environmental compliance requirements and incorporating environmentally sustainable practices into state government functions. The law also requires the state-supported institutions of higher learning to utilize existing budgeted resources to meet the requirements of the initiative, except that the University of Maine System is not expected to expend more than \$300,000 of its existing budgeted resources to meet the provisions regarding auditing for compliance with state and federal environmental laws. Additional funds needed to comply with those audit provisions, in excess of the first \$300,000 of existing budgeted resources, must be requested by the Chancellor of the University of Maine System in the biennial report of the directors of the initiative.

RESOLVE 93

Resolve, to Study the Design and Funding of a Household Hazardous Waste and Universal Waste Collection Program

LD 1974

Sponsor(s)	Committee Report	Amendments Adopted
COWGER MARTIN	OTP-AM	H-913

Resolve 2001, chapter 93 directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2003 on the feasibility and design of a funding mechanism for the operational costs of a statewide household hazardous waste and universal waste collection program. It also allows the committee to report out legislation establishing and funding such a program to the First Regular Session of the 121st Legislature.

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RESOLVE 97 **Resolve, Regarding Legislative Review of Amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, Major Substantive Rules of the Department of Environmental Protection** **LD 2076**

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-920
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Resolve 2001, chapter 97 requires the Board of Environmental Protection to amend its provisionally adopted major substantive rules regarding the cutting and removal of vegetation adjacent to protected natural resources to remove unnecessary language. The law also directs the Department of Environmental Protection and the Maine Land Use Regulation Commission to evaluate the point system used by those agencies to define what constitutes a well-distributed stand of trees within a vegetative buffer between development and a regulated water body and to jointly report the results of that evaluation to the Joint Standing Committee of the Legislature having jurisdiction over protected natural resources no later than January 15, 2003.

RESOLVE 98 **Resolve, Regarding Legislative Review of Portions of Chapter 10,** **LD 2095**
EMERGENCY **Section 17(A)(2), (3) and (6), Standards for the Clearing of**
Vegetation for Development, Major Substantive Rules of the Maine
Land Use Regulation Commission within the Department of
Conservation

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-919
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Resolve 2001, chapter 98 requires the Maine Land Use Regulation Commission to amend its rules to make the minimum setbacks between mineral extraction activities and regulated water bodies within the jurisdiction of the Maine Land Use Regulation Commission the same as those established in laws and rules administered by the Department of Environmental Protection.

Resolve 2001, chapter 98 was finally passed as an emergency measure effective April 3, 2002.

RESOLVE 99 **Resolve, Regarding Legislative Review of Chapter 691, Section 3-A,** **LD 2117**
EMERGENCY **Siting Restrictions for New Facilities, a Major Substantive Rule of**
the Bureau of Remediation and Waste Management within the
Department of Environmental Protection

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-917
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Resolve 2001, chapter 99 requires that the rule be amended to state that the siting restrictions for new underground oil storage facilities contained in Section 3-A of the rules do not apply to new underground oil storage facilities that are registered and installed prior to August 1, 2002. The law also specifies that no additional hearings or other formal proceedings are required on this rule prior to the Board of

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Environmental Protection within the Department of Environmental Protection finally adopting the rule in accordance with this resolve.

RESOLVE 123 Resolve, to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on Dead River in Leeds LD 1962

Sponsor(s)	Committee Report	Amendments Adopted
MCKEE	OTP-AM	H-902
NUTTING J		S-580 GOLDTHWAIT

Resolve 2001, chapter 123 provides the Department of Agriculture, Food and Rural Resources with \$40,000 to address emergency temporary repair issues at the state-owned dam on Dead River in the Town of Leeds, Androscoggin County. The law also provides the Department of Environmental Protection with \$20,000 to study the feasibility of and costs for options for permanent flood control structures on Dead River that eliminate or minimize the adverse environmental impacts to Androscoggin Lake resulting from polluted waters flowing into the lake from the Androscoggin River. The law also allows the Department of Environmental Protection to raise an additional \$15,000 for that study from local governments and private entities having an interest in Androscoggin Lake. The results of that study are to be reported by January 1, 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The committee may report out emergency legislation to the First Regular Session of the 121st Legislature. The law also allocates funds from the Dam Repair and Reconstruction Fund for various projects pertaining to the Dead River in the Town of Leeds.

The law also prohibits the Department of Agriculture, Food and Rural Resources from removing or seeking to remove the state-owned dam on Dead River in Leeds, Androscoggin County until the results of the Department of Environmental Protection study are known.

RESOLVE 125 Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services LD 2140

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1046
		S-628

Resolve 2001, chapter 125 authorizes the adoption of Chapter 296, a major substantive rule proposed by the Bureau of Health regarding a brochure and poster on dental amalgam and alternatives, provided that certain changes are made to the poster and the rule. The Resolve requires the Bureau of Health to print and distribute a copy of the brochure and poster to each dentist in the state and it requires the bureau to make a copy of the brochure suitable for downloading and printing available on its publicly accessible site on the Internet.

State and Local Government

PUBLIC 484 An Act to Amend the Definition of "Governmental Unit" as It LD 1856
Relates to the Maine Municipal Bond Bank Act

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	OTP	
FERGUSON		

Public Law 2001, chapter 484 amends the Maine Municipal Bond Bank Act by amending the definition of "governmental unit" to include a municipally owned corporation as an eligible borrower for electric, water and sewer projects.

PUBLIC 489 An Act to Authorize the Formation of Regional County Corrections LD 1853
EMERGENCY Authorities

Sponsor(s)	Committee Report	Amendments Adopted
MCALEVEY	OTP-AM MAJ	S-410
JODREY	ONTP MIN	

Public Law 2001, chapter 489 authorizes the commissioners of 2 or more counties to jointly plan, finance, construct and operate regional correctional facilities. The law requires that county commissions acting jointly under this Act adhere to the provisions of Title 30-A governing interlocal cooperation to the extent those provisions are applicable.

Public Law 2001, chapter 489 was enacted as an emergency measure effective February 21, 2002.

PUBLIC 495 An Act to Reduce Unnecessary Paperwork in State Government LD 1118

Sponsor(s)	Committee Report	Amendments Adopted
MCKENNEY	OTP-AM	H-790
TURNER		

Public Law 2001, chapter 495 amends the State Government Evaluation Act in an effort to identify areas where paperwork reduction may be needed. Chapter 495 requires that agencies undergoing legislative review pursuant to that act must submit to the committee conducting the review a list of the various filings by the public that the agency requires. The amendment also specifies that, in conducting its analysis and developing its recommendations, a committee may consider the extent to which an agency has increased or decreased filing requirements and paperwork duplication burdens on the public.

State and Local Government

PUBLIC 499 **An Act to Assist Municipalities of Sagadahoc County with the**
EMERGENCY **Change in the County Budget Year**

LD 1967

Sponsor(s)	Committee Report	Amendments Adopted
SMALL	OTP-AM	S-417
PEAVEY		S-440 SMALL

Public Law 2001, chapter 499 authorizes Sagadahoc County to borrow money by issuing bonds or notes in anticipation of taxes to fund county services while a transitional county budget is carried out to implement the new county fiscal year enacted last year. The total face amount of municipal bonds or notes may not exceed 80% of the taxes anticipated from the transitional budget. Municipalities are authorized to spread payment to the county of their portion of the transitional budget over a period from one to 5 years and are required to make their payment of their annual share of the transitional budget at the same time they pay their share of the current year's county budget. A municipality not paying its full share of the transitional budget in 2002 is required to pay the interest incurred by the county for borrowing in anticipation of taxes on behalf of the municipality.

Public Law 2001, chapter 499 was enacted as an emergency measure effective March 5, 2002.

PUBLIC 503 **An Act to Restructure the Advisory Council on Tax-deferred**
 Arrangements

LD 2011

Sponsor(s)	Committee Report	Amendments Adopted
COLWELL	OTP-AM	H-800
BENNETT		

Public Law 2001, chapter 503 increases the membership of the Advisory Council on Tax-deferred Arrangements from 6 to 10 by increasing the number of employees representing the Maine State Employees Association on the council from one to 5 with one member representing each of the Maine State Employees Association bargaining units. The employer-employee voting balance on the advisory council is not affected by the increase in MSEA representation.

PUBLIC 504 **An Act to Modify the Time of Constituent Service Allowance**
 Payments

LD 1941

Sponsor(s)	Committee Report	Amendments Adopted
CLOUGH	OTP-AM	H-802
DAGGETT		

Public Law 2001, chapter 504 changes when Legislators receive the 1st of the 2 payments of the annual allowance for constituent services. Current law provides that this installment be paid at the start of each regular session—December in the 1st year of a biennium and January in the 2nd year. Chapter 504 sets the first payment for constituent services for January of each session. The law allows a Legislator to obtain the first payment in December of the first year of the biennium upon

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request to the Executive Director of the Legislative Council. The executive director is required to notify Legislators of the payment choice available to them and of the tax consequences of exercising the choice.

PUBLIC 521 An Act to Allow Municipalities to Create Capital Improvement Districts LD 562

Sponsor(s) ANDREWS LEMONT	Committee Report OTP-AM	Amendments Adopted H-822
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Public Law 2001, chapter 521 authorizes municipalities to create capital improvement districts. A capital improvement district is a defined area within a municipality that is initially privately owned and that has been designated by the municipality as a capital improvement district for the interrelated purposes of fairly apportioning the costs of making necessary improvements among the owners of property within the district and establishing the elements of the capital improvement district that are municipally owned. The law details the series of public hearings and capital improvement district and municipal referenda that must be conducted to implement a capital improvement district.

PUBLIC 525 An Act to Waive the Competitive Bid Requirement for Lease of Certain Unused State Facilities LD 1875

Sponsor(s) PENDLETON MCDONOUGH	Committee Report OTP-AM MAJ ONTP MIN	Amendments Adopted S-431
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Public Law 2001, chapter 525 allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to lease a state-owned facility without soliciting competitive bids in certain circumstances. Chapter 525 provides that, for a facility of 5,000 square feet or smaller, the State may lease up to 2,500 square feet of unused space without competitive bidding, including the whole facility if the facility is less than 2,500 square feet in size. For a facility between 5,000 and 40,000 square feet, the State may lease up to 50% of the facility without competitive bidding if the space is unused. For facilities over 40,000 square feet, the State is limited to leasing 20,000 square feet of space per facility without competitive bidding regardless of how much is unused. The current restriction that the work performed by the lessee must be compatible with that of the agency in the facility continues to apply.

PUBLIC 537 An Act to Clarify Municipal Reapportionment Authority LD 1943

Sponsor(s) SCHNEIDER	Committee Report OTP-AM	Amendments Adopted H-850
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Public Law 2001, chapter 537 amends the law governing reapportionment of municipal voting districts following completion of each decennial census. Under chapter 537, municipalities have up to 12

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months following reapportionment of House and Senate districts to reapportion municipal districts thereby allowing municipalities to utilize state legislative district lines in reapportioning their voting districts. The law clarifies that when an ordinance is not adopted at least 90 days before a regular election held within that 12-month period, the old apportionment ordinance is used for that election. The law also clarifies that if a municipality fails to adopt a reapportionment ordinance within the 12-month period or if it does so but not more than 90 days before an election occurring after 12 months, municipal officers up for election are elected and serve at large until a new ordinance is adopted.

PUBLIC 586 An Act to Provide Full Utility of Retired School Buildings LD 2114
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
DUNLAP	OTP-AM	H-940
CATHCART		

Public Law 2001, chapter 586 clarifies current law that allows a municipality to use a school building transferred to it by a school board for municipal purposes.

Public Law 2001, chapter 586 was enacted as an emergency measure effective April 1, 2002.

PUBLIC 597 An Act to Implement the Recommendations of the Joint Standing LD 2177
Committee on State and Local Government Pursuant to Reviews
Conducted under the State Government Evaluation Act

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

Public Law 2001, chapter 597 implements the recommendations of the Joint Standing Committee on State and Local Government as a result of its review of agencies under the State Government Evaluation Act. The bill amends the scheduling guidelines for the committee's future reviews of State Government agencies.

PUBLIC 606 An Act to Allow the Department of Administrative and Financial LD 1865
Services, Bureau of General Services to Make Direct Selection of
Architects, Engineers and Other Professionals Whose Services Do
Not Exceed \$25,000 in Value

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM	H-826
PENDLETON		

Public Law 2001, chapter 606 authorizes the Department of Administrative and Financial Services, Bureau of General Services to contract for architectural, engineering or other professional services on public improvement projects without advertising or competitive selection if the cost of the services is less than \$25,000. The law establishes a process for establishment of a list of individuals qualified to

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provide engineering, architectural and other professional services from which the bureau would select for the planning, design and monitoring of public improvement projects. Chapter 606 also establishes an appeal process for those not selected for placement on the list.

PUBLIC 607 An Act to Give the Department of Administrative and Financial Services, Bureau of General Services Discretion Regarding Building Codes LD 1874

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON MCDONOUGH	OTP-AM	S-432

Public Law 2001, chapter 607 allows the Department of Administrative and Financial Services, Bureau of General Services to adopt the most recent version of specified national or international building codes to be used in the design of public improvements construction projects in this State. The law also gives the bureau discretion to adopt specified portions of those building codes when only part of the codes are applicable to public improvement projects in Maine.

PUBLIC 615 An Act to Require Appropriate Public Notice of a State Building Project LD 2067

Sponsor(s)	Committee Report	Amendments Adopted
DAGGETT COLWELL	OTP-AM MAJ ONTP MIN	S-448 S-497 DAGGETT

Public Law 2001, chapter 615 provides that if a proposed state public improvement project for new construction is not reviewed by the municipal in which it is located, the agency responsible for the new construction must provide public notice of the project. Notice must be provided in the same manner as required by municipal ordinance for similar projects, in the town or city in which the project is located and must be provided as soon as development of the schematic design of the project is complete.

PUBLIC 643 An Act to Create the Office of Maine-Canada Trade Ombudsman LD 2008

Sponsor(s)	Committee Report	Amendments Adopted
STANLEY	ONTP MAJ OTP-AM MIN	H-791 H-809 SHERMAN

Public Law 2001, chapter 643 establishes a Maine-Canada Trade Ombudsman. The Governor appoints the Maine-Canada Trade Ombudsman, subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Senate. The ombudsman will provide advice to the Governor and state agencies regarding commerce and other relations with individuals, businesses and governmental entities in Canada and represent the State at the national level for trade matters between the United States and Canada that involve Maine. The central function of the Maine-Canada Trade Ombudsman is to answer inquiries from Maine citizens and businesses and investigate, advise and work toward resolution of complaints that arise concerning trade issues with Canada. Under the law, the ombudsman is given the authority to negotiate

State and Local Government

on behalf of businesses, with their consent, with individuals, businesses and governmental entities of Canada to secure fair trade treatment for Maine products and services.

PUBLIC 702 An Act to Create the Office of Program Evaluation and Government Accountability

LD 2193

Sponsor(s)	Committee Report OTP-AM	Amendments Adopted H-1039 S-595 PENDLETON
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Public Law 2001, chapter 702 establishes the Office of Program Evaluation and Government Accountability for the purposes of providing legislative oversight of programs of State Government and to ensure the appropriate use of public funds by public and private entities in the State. The bill describes the duties of the Government Oversight Committee, which will be established in Legislative rules, and of the office. It authorizes the Government Oversight Committee to oversee the operations of the office. It describes the duties and powers of the director and the office. The law also describes the manner in which program evaluations are to be conducted by the office and the manner in which reports are to be released to the committee and to the public. The law authorizes the committee to report out legislation based on evaluation reports submitted to it by the office. Under chapter 702 of Public Law 2001, the director would be hired on or after April 1, 2003 and other employees of the office would be hired on or after July 1, 2003.

Under the law, the Legislative Council appoints by an affirmative vote of at least 8 members the Director of the Office of Program Evaluation and Government Accountability. The Government Oversight Committee that oversees the work of the office evaluates the director and makes a recommendation in writing to the Legislative Council before the director is reappointed. The law requires that money appropriated or allocated to the office must be expended in the discretion of the director and the Government Oversight Committee that oversees the work of the office only.

Finally, the law provides that prior to the release of a program evaluation report or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report are confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council.

P & S 50 An Act to Amend the Laws Governing the Washington County EMERGENCY Emergency Medical Services Authority

LD 1993

Sponsor(s)	Committee Report	Amendments Adopted
GOODWIN	OTP-AM MAJ	H-792
	ONTP MIN	

Private and Special Law 2001, chapter 50 expands the service area of the Washington County Emergency Medical Services Authority. It adds one member from the Passamaquoddy Tribe to the board of directors of the authority and establishes the appointing authority for that member. The Act also allows appointing authorities to appoint alternate members to the board of directors and authorizes

State and Local Government

those alternate members to vote in the absence of the appointed member. The law also allows the board of directors to elect a treasurer who is not a member or alternate member of the authority. Finally, it allows the approved cost-basis schedule to include either a surcharge or discount to certain member communities.

Private and Special Law 2001, chapter 50 was enacted as an emergency measure effective February 28, 2002.

P & S 59 An Act to Permit the Town of Atkinson to Deorganize LD 1909

Sponsor(s)	Committee Report	Amendments Adopted
DAVIS P	OTP-AM MAJ	S-437
ANNIS	ONTP MIN	

Private and Special Law 2001, chapter 59 allows the Town of Atkinson to deorganize providing that the voters of the town approve the deorganization proposal at the general election in November 2002. If voters approve the referendum, the effective date of the deroganization will be July 1, 2003.

P & S 62 An Act to Separate Territory from the Town of Falmouth and LD 1586 EMERGENCY Annex it to the City of Portland

Sponsor(s)	Committee Report	Amendments Adopted
ABROMSON	OTP-AM	S-416
DAVIS G		

Private and Special Law 2001, chapter 62 separates a parcel of property from the Town of Falmouth and annexes it to the City of Portland. The property is located on the southerly side of the Maine Turnpike spur that connects the turnpike with Route 1 in the Town of Falmouth. It abuts other property under the same ownership in the City of Portland. The turnpike spur acts as a substantial barrier to municipal services such as sewer lines, water lines and roads from the Town of Falmouth.

Private and Special Law 2001, chapter 62 was enacted as an emergency measure effective April 2, 2002.

P & S 63 An Act to Amend the Boundaries Between Ripley and St. Albans LD 1926

Sponsor(s)	Committee Report	Amendments Adopted
STEDMAN	OTP-AM	H-825

Private and Special Law 2001, chapter 63 restores the boundary between the Town of St. Albans and the Town of Ripley to its pre-1862 configuration by placing land set off in Private and Special Law 1862, chapter 181 back into the Town of Ripley.

State and Local Government

P & S 69

**An Act to Dissolve the Ministerial Accounts in the Town of
Readfield's Trust Fund**

LD 1860

Sponsor(s)	Committee Report	Amendments Adopted
FULLER	OTP MAJ	
	ONTP MIN	

Private and Special Law 2001, chapter 69 authorizes the municipal officers of the Town of Readfield to dissolve the ministerial accounts in the town's trust fund and to use the money in these accounts for the purchase and installation of a Readfield veterans' memorial monument. The use of the funds for this purpose was approved by the voters of the Town of Readfield at the annual town meeting in June 2001.

**RESOLVE 70
EMERGENCY**

**Resolve, to Validate the Assessment, Commitment and Tax
Collection of the Town of Wells for the Fiscal Year 2001**

LD 1854

Sponsor(s)	Committee Report	Amendments Adopted
CARPENTER COLLINS	OTP	

Resolve 2001, chapter 70 corrects an oversight that occurred in the Town of Wells involving the timely swearing in of two municipal officials and remedies any failure to comply with the statutory requirement governing oaths of office. The Maine Revised Statutes, Title 30-A, section 2526, subsection 9 requires all town officials to be sworn by the moderator in open town meeting by the clerk, by a notary or by any other person authorized by law to administer an oath before assuming the duties of office. The tax assessor and the tax collector for the Town of Wells were appointed on April 18, 2000. Subsequent to their appointment, the town failed to swear these municipal officials in a timely manner, placing the tax commitment in jeopardy of challenge.

Resolve 2001, chapter 70 was finally passed as an emergency measure effective January 15, 2002.

RESOLVE 75

**Resolve, Authorizing the Director of the Bureau of Parks and Lands
within the Department of Conservation to Convey a Crossing
Easement**

LD 1952

Sponsor(s)	Committee Report	Amendments Adopted
SMITH MARTIN	OTP-AM	H-804

Resolve 2001, chapter 75 grants Irving Woodlands, LLC, a permanent right to cross the state-owned, abandoned railroad right-of-way running between Stockholm and Van Buren. This will permit Irving Woodlands, LLC, to complete assembly of a new access corridor from their lands in T17R3 WELS to the Bangor and Aroostook railroad siding in Van Buren that will avoid using public roads and increase economic activity at the siding. The abandoned railroad corridor will be crossed at a site approximately one mile from Van Buren.

State and Local Government

RESOLVE 76 **Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services to Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56** **LD 1876**

Sponsor(s)	Committee Report	Amendments Adopted
DAGGETT	OTP-AM	S-414
PENDLETON		

Resolve 2001, chapter 76 extends the time frame from September of 2002 to June of 2005 during which the authority is granted to the Commissioner of Administrative and Financial Services to convey a portion of the Kennebec Arsenal in Augusta.

RESOLVE 95 **Resolve, Authorizing the Commissioner of Administrative and Financial Services Lease the Interests of the State in Property at the Long Creek Youth Development Center in South Portland** **LD 1878**

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON	OTP-AM	S-482
MCDONOUGH		

Resolve 2001, chapter 95 authorizes the Commissioner of Administrative and Financial Services to lease interests of the State in property at the Long Creek Youth Development Center in South Portland. The resolve limits to 50 years the term of the lease of any state property at the Center.

RESOLVE 105 **Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Machias, Maine** **LD 2134**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1030

Resolve 2001, chapter 105 resulted from a committee bill from the Joint Standing Committee on State and Local Government. The resolve authorizes the Commissioner of Administrative and Financial Services to purchase land in the Machias Industrial Park in Machias for the new Downeast Correctional Facility. The resolve is repealed 3 years from its effective date.

State and Local Government

RESOLVE 110 Resolve, to Develop a Living Memorial in Capitol Park in Honor of LD 1991
the Victims and Heroes of the September 11, 2001 Tragedy

Sponsor(s)	Committee Report	Amendments Adopted
ETNIER	OTP-AM	H-801
EDMONDS		S-544 GOLDTHWAIT

Resolve 2001, chapter 110 directs the State House and Capitol Park Commission to study and report to the First Regular Session of the 121st Legislature on the establishment of a memorial to the victims and heroes of the September 11, 2001 tragedy. In conducting the study, the commission shall focus on development of a living memorial consistent with the natural elements of the existing architectural plans for Capitol Park, such as plantings of vegetation or development or restoration of walkways.

RESOLVE 113 Resolve, to Recognize Veterans of World War II and the Korean LD 2046
War in the State House Hall of Flags

Sponsor(s)	Committee Report	Amendments Adopted
MICHAUD MH	OTP-AM	S-449
BERRY R		S-543 GOLDTHWAIT

Resolve 2001, chapter 113 establishes a commission to arrange for the display of plaques and flags in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean War.

Taxation

PUBLIC 481 An Act to Ensure Continued Reporting of Tax Incentive Recipients LD 1834

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	OTP-AM	S-408

Public Law 2001, chapter 481 repeals the Economic Development Incentive Commission, removes the August 1, 2002 sunset date for business and agency reporting regarding economic development incentives and clarifies that the reporting requirements apply to businesses that are not employers.

PUBLIC 496 An Act to Enable the State to Enter into an Agreement with Other LD 1872 **EMERGENCY States to Simplify and Modernize Sales and Use Tax Administration**

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	OTP	

Public Law 2001, chapter 496 authorizes the State Tax Assessor to enter into an agreement with other states governing the uniform administration of sales and use tax laws. Any recommended changes in State sales and use tax laws resulting from the agreement would have to be separately enacted by the Legislature. This bill was enacted as an emergency measure and took effect March 1, 2002.

PUBLIC 526 An Act to Make Minor Substantive Changes to the Tax Laws LD 1870

Sponsor(s)	Committee Report	Amendments Adopted
GAGNON	OTP-AM	S-429

Public Law 2001, chapter 526 makes minor substantive changes to the tax laws. It accomplishes the following.

1. It amends the sales tax law to make it clear that the tax applies to the rental of digital video discs and similar items as well as to the rental of video tapes.
2. It repeals the statutory provisions requiring cigarette and tobacco product distribution license fees.
3. It amends the income tax credit provided in the Maine Revised Statutes, Title 36, section 5219-R to provide that a credit is not allowed for expenditures incurred prior to January 1, 2000 for tax years beginning on or after January 1, 2001.

Taxation

PUBLIC 579
EMERGENCY

An Act to Change the Standard for Requesting an Adjustment to State Valuation Because of a Sudden and Severe Disruption of Valuation

LD 2154

Sponsor(s)	Committee Report		Amendments Adopted
	OTP	MAJ	
	OTP-AM	MIN	

Public Law 2001, chapter 579 reduces the threshold for requesting an adjustment to state valuation due to a sudden and severe disruption of valuation from a net reduction in valuation of 5% to 2%. This bill was enacted as an emergency measure and took effect March 28, 2002.

PUBLIC 583
EMERGENCY

An Act to Amend the Tax Laws

LD 1873

Sponsor(s)	Committee Report		Amendments Adopted
	GAGNON	OTP-AM	

Public Law 2001, chapter 583 makes the following changes to the laws governing taxation:

1. It provides that if a person receives notices of an assessment and does not file a request for reconsideration within the specified time period, the State Tax Assessor may not reconsider the assessment and no review is available in Superior Court, regardless of whether the taxpayer subsequently makes payment and requests a refund.
2. It amends the provisions regarding time of filing or payment of taxes to include filing or payment via a delivery service other than the United States Postal Service.
3. It amends the provisions regarding levy and sale of property.
4. It amends the provisions governing injunctions.
5. Effective January 1, 2003, it changes the methods by which the interest rate applied to the late payment of taxes is calculated.
6. It amends the definition of “primarily” in the Sales and Use Tax Law.
7. It amends the provisions regarding the employment of an assessor by the municipal assessing unit, reporting use tax on individual income tax returns, personal exemptions and the payment of estimated tax.

This bill was enacted as an emergency measure and, except as otherwise indicated, took effect April 1, 2002.

Taxation

**PUBLIC 584
EMERGENCY**

**An Act to Conform Maine Tax Law to the Federal Mobile
Telecommunications Sourcing Act**

LD 1871

Sponsor(s)
GAGNON

Committee Report
OTP-AM

Amendments Adopted
S-481

Public Law 2001, chapter 584 provides standards for determining the state jurisdiction that may tax mobile telecommunications services by conforming Maine's sales and use tax law to the federal Mobile Telecommunications Sourcing Act. This bill was enacted as an emergency measure. It took effect April 1, 2002 and applies to bills issued by providers of telecommunications services after August 1, 2002.

**PUBLIC 635
EMERGENCY**

**An Act to Provide Flexibility in the Rate of Interest Charged on
Delinquent Taxes**

LD 2166

Sponsor(s)
SULLIVAN

Committee Report
OTP-AM

Amendments Adopted
H-1028

Public Law 2001, chapter 635 provides an optional calculation for determining municipal interest rates for delinquent property taxes. The amendment permits municipalities to adopt an interest rate that is 2 percentage points higher than the rate established by the Treasurer of State if the rate established by the treasurer is 2 percentage points or more lower than the rate established for the previous year. This bill was enacted as an emergency measure and took effect April 8, 2002.

PUBLIC 642

An Act to Expand the Maine Seed Capital Tax Credit Program

LD 2012

Sponsor(s)
TESSIER
TURNER

Committee Report
OTP-AM

Amendments Adopted
H-1014

Public Law 2001, chapter 642 modifies the Maine Seed Capital Tax Credit Program administered by the Finance Authority of Maine by increasing the tax credit available for investments in businesses located in areas of the State with high unemployment or for investments in private venture capital funds with investments in businesses in those areas. The Act allows investors to obtain a tax credit on investments of up to \$500,000 per company, an increase from \$200,000 per company, and allows each company to receive up to \$5,000,000 in investments for which investors may receive tax credits, up from \$1,000,000. The Act also adds the seed capital investment credit to the list of economic development incentives subject to reporting requirements.

Taxation

PUBLIC 652

**An Act Relating to Tax Expenditure Review and Other Tax
Reporting Requirements**

LD 2210

Sponsor(s)

Committee Report

Amendments Adopted

Public Law 2001, chapter 652 was reported out by the Committee pursuant to Resolve 2001, chapter 17. The Act replaces the tax expenditure review process to provide more effective review to tax expenditures and to provide an opportunity for legislative review of the State's tax policy and structure. The Act also repeals several reports to the Legislature by the Bureau of Revenue Services that are duplicative, obsolete or no longer considered necessary.

PUBLIC 669

An Act to Amend the Laws Relating to Development Districts

LD 1966

Sponsor(s)

Committee Report

Amendments Adopted

GAGNON
RICHARDSON

OTP-AM

S-547

Public Law 2001, chapter 669 reorganizes, clarifies and makes minor substantive changes to the laws relating to municipal development districts and tax increment financing districts.

PUBLIC 700

**An Act to Supplement Maine's Academic Attainment and to Retain
Talent**

LD 2162

Sponsor(s)

Committee Report

Amendments Adopted

SAXL
BENNETT

OTP-AM MAJ
ONTP MIN

H-1055
S-616 COMMITTEE OF
CONFERENCE

Public Law 2001, chapter 700 establishes tax credits to promote the postsecondary educational attainment of Maine residents or the recruitment and retention of college-educated persons to work in Maine. To accomplish these purposes, the law enacts the following provisions:

1. It provides tax credits against the income tax and the insurance premium tax equal to a portion of the amount contributed to a qualified scholarship organization;
2. It provides tax credits against the income tax and the insurance premium tax equal to a portion of the amount paid by an employer to a creditor on behalf of an employee for the purpose of repaying the employee's outstanding postsecondary education loans;
3. It provides that the total tax credit may not exceed \$2,000 for an individual taxpayer or \$10,000 for each taxpayer who is a corporation or an employing unit. It also provides that the contribution may not directly benefit the taxpayer claiming the credit or those directly related to a taxpayer that is claiming the credit. It further provides that the tax credits may not reduce the contributor's Maine income tax to less than zero but may be carried over for 5 taxable years;

Taxation

4. It requires annual reporting of the costs and effectiveness of the tax credit programs by the Finance Authority of Maine, in conjunction with the Department of Administrative and Financial Services, Maine Revenue Services, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters;
5. The tax credit for 2003 tax years takes effect only if there are sufficient funds in the General Fund unappropriated surplus at the close of fiscal year 2001-02 to cover the cost of the tax credits; and
6. It requires an advisory council established to address policies related to higher education attainment in the State to review and report on the policy alternatives available to the Legislature in creating an endowment fund for the benefit of eligible residents of the State to meet the high cost of attending an institution of higher education. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the Second Regular Session of the 121st Legislature relating to this report.

This bill was jointly referred to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Taxation.

P & S 57	An Act to Allow the Town of Lincoln to Adjust the Definition of	LD 2132
EMERGENCY	Original Assessed Value for a Downtown Tax Increment Financing District	

Sponsor(s)	Committee Report	Amendments Adopted
CARR	OTP	
CATHCART		

Private and Special Law 2001, chapter 57 allows the Town of Lincoln to use the current assessed value of the downtown as of April 1, 2002 for purposes of designating a tax increment financing district between April 1, 2002 and March 31, 2003. This bill was enacted as an emergency measure and took effect March 21, 2002.

P & S 64	An Act to Establish Municipal Cost Components for Unorganized	LD 2110
EMERGENCY	Territory Services to be Rendered in Fiscal Year 2002-2003	

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-914

Private and Special Law 2001, chapter 64 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory. This bill was enacted as an emergency measure and took effect April 2, 2002.

Taxation

RESOLVE 73 An Act to Ensure Continued Reporting of Tax Incentive Recipients LD 1842

Sponsor(s) GREEN	Committee Report OTP-AM	Amendments Adopted H-770
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Resolve 2001, chapter 73 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory.

RESOLVE 111 Resolve, to Require Agencies to Provide a List of Certain Paperwork Required for Maine Businesses LD 2044

Sponsor(s) SULLIVAN BROMLEY	Committee Report OTP-AM	Amendments Adopted H-1016 S-592 GOLDTHWAIT
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Resolve 2001, chapter 111 directs state agencies to provide the Secretary of State with a list of licenses, registrations, forms and reports required by the agencies to operate a business or conduct an occupation. The Secretary of State is directed to compile a master list of licenses, registrations, forms and reports and submit the master list to the First Regular Session of the 121st Legislature by January 14, 2003.

RESOLVE 119 Resolve, to Adjust the Valuation of St. John Plantation as a Result of a Fire LD 2205 **EMERGENCY**

Sponsor(s) MARTIN MICHAUD	Committee Report OTP-AM	Amendments Adopted S-615 S-620 MARTIN
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Resolve 2001, chapter 119 reduced the 2002 state valuation of St. John Plantation to \$10,630,000 in recognition of the loss of value resulting from a recent fire. This resolve was finally passed as an emergency measure and took effect April 11, 2002.

Transportation

PUBLIC 473 An Act to Allow Sharing of Information to Facilitate Interstate Cooperation Between Toll Agencies LD 1841

Sponsor(s)	Committee Report	Amendments Adopted
FISHER	OTP MAJ	
DAGGETT	ONTP MIN	

Public Law 2001, chapter 473 allows the Maine Turnpike Authority to share patron information with other toll agencies in order to facilitate cooperation between interstate toll agencies and technical compatibility in areas such as electronic toll collection.

PUBLIC 485 An Act to Reduce Administration in the Right-of-way Process of the Department of Transportation LD 1881

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE C	OTP	
FISHER		

Public Law 2001, chapter 485 increases the dollar amount that the Department of Transportation can pay landowners for property without a formal appraisal from \$5,000 to \$15,000. A market analysis will be performed in place of the formal appraisal. In cases in which the landowner does not consent to the amount, a formal appraisal will be performed.

PUBLIC 486 An Act to Clarify Licensure for the Operation of Antique Trucks LD 1836

Sponsor(s)	Committee Report	Amendments Adopted
FISHER	OTP-AM	H-768

Public Law 2001, chapter 486 allows a person with a Class C driver's license to operate an antique truck as long as the truck is not being operated in commerce but for recreational, pleasure or show purposes.

PUBLIC 507 An Act to Allow Maine to Participate in the Federal Pilot Program for Drivers Delivering Home Heating Oil LD 1978

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	OTP-AM	H-807

Public Law 2001, chapter 507 instructs the Commissioner of Public Safety to allow Maine to participate in the Federal Motor Carrier Safety Administration, or "FMCSA" pilot program that allows for a restart of drivers' hours in order to allow for flexibility in the hours-of-service regulations. This pilot program, which lasts for 3 years, is managed and monitored by the FMCSA and will provide data to the FMCSA for the purpose of evaluating current hours-of-service regulations.

Transportation

PUBLIC 513 **An Act to Clarify the Overweight Fine Violation for Trucks**
EMERGENCY **Carrying Certain Designated Commodities and Registered for**
 100,000 Pounds

LD 1863

Sponsor(s)	Committee Report	Amendments Adopted
FISHER	OTP-AM	H-806

Public Law 2001, chapter 513 clarifies the appropriate fine bases and fine schedules that apply for vehicle classes carrying special commodities.

Public Law 2001, chapter 513 was enacted as an emergency measure effective March 7, 2002.

PUBLIC 514 **An Act to Strengthen the Habitual Offender Law**

LD 1832

Sponsor(s)	Committee Report	Amendments Adopted
O'GARA	OTP-AM	H-816 SAVAGE W
GERZOFSKY		S-409

Public Law 2001, chapter 514 increases the period of driver license revocation for habitual motor vehicle offenders from one year to 3 years and provides that certain habitual offenders may petition for a work-restricted license following 18 months of license revocation. The law excludes a conviction of operating after suspension when the suspension is based on nonpayment of child support in the number of convictions included in the definition of "habitual offender."

PUBLIC 540 **An Act to Facilitate Water Well Drilling if Necessitated by**
EMERGENCY **Emergency Drought Conditions**

LD 2150

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-469
COLWELL		

Public Law 2001, chapter 540 allows a person operating a vehicle that is transporting well-drilling equipment to travel over a county or municipal way without a specific county or municipal permit during a period of drought emergency declared by the Governor, provided certain conditions are met.

Public Law 2001, chapter 540 was enacted as an emergency measure effective March 21, 2002.

PUBLIC 560 **An Act to Amend the Subdivision Review Criteria for Traffic**

LD 2082

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-867

Public Law 2001, chapter 560 implements the recommendation of the Joint Standing Committee to Study Growth Management. It amends the subdivision review criteria for traffic by requiring

Transportation

documentation from the Department of Transportation that includes a finding that the proposed subdivision conforms to the law regulating entrances to highways.

PUBLIC 563 An Act to Waive the Title Fee for Towed Abandoned Vehicles LD 2064

Sponsor(s) FERGUSON GOOLEY	Committee Report OTP-AM	Amendments Adopted S-462
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Public Law 2001, chapter 563 exempts from payment of a title fee a towing company that tows an abandoned vehicle at the request of a law enforcement officer, claims the vehicle and declares that the vehicle is a total loss, and properly notifies the vehicle owner that the vehicle is claimed under the abandoned vehicle law. The law also clarifies that notification from the Secretary of State to the owner and lienholder must inform the owner that the owner must pay \$23 to transfer the title. If the owner or person in possession of the proper document fails to deliver the proper document and registration plates to the Secretary of State, the Secretary of State may suspend the owner's privilege to title or register a vehicle.

PUBLIC 565 An Act to Make Additional Allocations from the Highway Fund and LD 2092
EMERGENCY Other Funds for the Expenditures of State Government and to
Change Certain Provisions of State Law Necessary to the Proper
Operations of State Government for the Fiscal Years Ending June
30, 2002 and June 30, 2003

Sponsor(s) FISHER SAVAGE C	Committee Report OTP-AM	Amendments Adopted H-949
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Public Law 2001, chapter 565 does the following.

PART A

1. It makes additional allocations from the Highway Fund.
2. It makes additional allocations from the Federal Expenditure Fund.
3. It makes additional allocations from the Highway Garage Fund.
4. It makes additional allocations from the Island Ferry Service Fund.

PART B

1. It makes allocations from the Highway Fund for approved reclassifications and range changes.
2. It makes allocations from the Federal Expenditures Fund for approved reclassifications and range changes.

Transportation

3. It makes allocations from the Highway Garage Fund for approved reclassifications and range changes
4. It makes allocations from the Island Ferry Service Fund for approved reclassifications and range changes.

PART C

1. It makes allocations from the Highway Fund for anticipated salary costs.

PART D

1. It makes allocations from the Highway Fund.
2. It makes allocations from the Federal Expenditures Fund.

PART E

1. It makes allocations from the Highway Fund to cover the expenditures of the repealed Transportation Safety Fund.
2. It makes allocations from Other Special Revenue funds to reflect the repeal of the Transportation Safety Fund.

PART F

1. It repeals the Transportation Safety Fund.
2. It authorizes the transfer of all revenues from the Transportation Safety Fund to the Highway Fund.
3. It corrects a cross-reference.
4. It authorizes the transfer of all unencumbered balances from the Transportation Safety Fund to the unallocated surplus of the Highway Fund.

PART G

1. It provides enabling statutory language to implement a proposed constitutional amendment that will allow the State to issue temporary debt to be repaid with federal transportation funds.
2. It specifies that the enabling statutory language will take effect only upon approval by the voters.

PART H

1. It allows the Department of Transportation to adopt certain major substantive rules.

PART I

1. It requires the Department of Transportation to work with certain state, federal and private agencies to revise certain interstate designations.

Transportation

PART J

1. It amends provisions of Public Law 2001, chapter 314 to make minor corrections.

PART K

1. It allows more flexibility in the use of Urban-Rural Initiative Program funds by certain municipalities.

Public Law 2001, chapter 565 was enacted as an emergency measure effective March 26, 2002.

PUBLIC 585	An Act to Ensure the Safety of Maine Children While Riding in a Vehicle	LD 1867
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Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	OTP-AM MAJ	H-896
BENNETT	OTP-AM MIN	

Public Law 2001, chapter 585 requires a child who weighs less than 40 pounds to be secured in a child safety seat. It requires a child who weighs at least 40 pounds but less than 80 pounds and who is less than 8 years of age to be secured in a federally approved child restraint system when riding in a motor vehicle. It also requires that a child under 12 years of age who weighs less than 100 pounds be secured in the back seat of a vehicle, if possible, regardless of whether or not the vehicle is equipped with a front seat, passenger-side air bag.

PUBLIC 623	An Act to Amend the Laws Concerning Specialty License Plates	LD 2009
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Sponsor(s)	Committee Report	Amendments Adopted
MCNEIL	OTP-AM	H-928
O'GARA		

Public Law 2001, chapter 623 establishes the lobster special registration plate and the Lobster Research, Education and Development Fund. It also establishes the Maine Black Bears special registration plate and the Maine Black Bears Scholarship Fund. The law also tightens the requirements for the authorization of new specialty license plates.

PUBLIC 671	An Act to Amend the Motor Vehicle Laws	LD 1844
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Sponsor(s)	Committee Report	Amendments Adopted
FISHER	OTP-AM MAJ	H-941
SAVAGE C	OTP-AM MIN	S-524 SAVAGE C

Public Law 2002, chapter 671 does the following.

Transportation

1. It allows the Secretary of State to suspend a driver's license or vehicle registration for delinquent accounts payable to the Department of the Secretary of State, Bureau of Motor Vehicles.
2. It allows the Secretary of State to determine the appropriate compensation for 3rd-party agents who issue driver's license renewals.
3. It places special mobile equipment and tractors into the staggered registration system. Under the prior law, for the initial registration, registrants often paid the full annual fee for a partial year.
4. It provides the Secretary of State with the flexibility of issuing a special credential in lieu of a special plate. The credential will be used primarily to permit motor vehicles on short-term lease to be used for hire without displaying an "H" plate so long as the vehicle is covered by insurance and proper fees have been paid.
5. It adjusts the farm registration weight brackets to conform to the commercial registration weight brackets. Where the brackets have been adjusted, fees are proportional. This provision is intended to be revenue neutral.
6. It exempts the public or nonprofit organizations that make vehicles available to low-income persons from applying for a title in the organization's name.
7. It provides the Secretary of State additional flexibility to process title applications in a timely manner when a lienholder has sold its interest in a lien.
8. It clarifies language regarding the filing fee when a licensed dealer is applying for an additional type of dealer license, such as when a new car dealer seeks a motorcycle dealer license.
9. It allows any public or nonprofit organization that makes vehicles available to low-income persons to obtain a transporter plate in order to move a donated vehicle from point to point.
10. It clarifies that if a dealer is renting or leasing a vehicle or combination of vehicles to a customer a dealer plate cannot be used on that vehicle and it clarifies the 7-day use law.
11. It allows a person issued a special restricted license based on work or education need to operate beyond the restriction when accompanied by a licensed operator who has held a valid license for the past 2 consecutive years, is at least 20 years of age, is occupying a seat beside the driver and is licensed to operate the class of vehicle operated by the holder of the special restricted license.
12. It allows temporary plates to be issued to a trailer or mobile home dealer to affix to a unit a customer has purchased.
13. It provides for increased fees to defray the additional highway costs caused by over-limit loads.
14. It clarifies that trucks registered for more than 26,000 pounds and Class A special mobile equipment are eligible for excise tax reimbursement. It also repeals obsolete language relating to the transition to the International Registration Plan.
15. It allows the State Tax Assessor to appoint the Secretary of State as an agent to collect excise tax for the unorganized territories.

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16. It clarifies that a person operating an unregistered vehicle may be charged with a traffic infraction or crime. It also changes the limit that determines whether or not the penalty is considered a traffic infraction or a crime from 120 to 150 days.
17. It makes the penalties for operating a vehicle with an expired 14-day temporary registration plate consistent with the penalties for operating a vehicle with an expired permanent registration plate.
18. It allows the Secretary of State to issue a set of special veterans registration plates in the name of a company under certain conditions.
19. It allows the surviving spouse of the recipient of special veterans registration plates to use the plates, as long as the surviving spouse remains unmarried.
20. It clarifies that the Secretary of State may issue titles to semitrailers regardless of the age of the semitrailer.
21. It clarifies that the manufacturer's suggested retail price must be printed on titles for used vehicles if the manufacturer's suggested retail price appeared on the previous Maine title.
22. It clarifies that the Secretary of State may reissue a title if the lienholder fails to respond to a request to return the title or lien document.
23. It establishes a process that allows a person to voluntarily request the cancellation of a driver's license when the person is no longer able to operate a motor vehicle safely. The Secretary of State is authorized to cancel, and not necessarily suspend, the license of a person seeking the cancellation.
24. It removes the requirement that a person's social security number be displayed on a nondriver identification card. This does not affect state compliance with the minimum requirements of applicable federal laws.
25. It clarifies that the accompanying operator for a permit holder must have held a valid license for the past 2 consecutive years. It also provides that a person whose license was suspended for medical reasons within the past 2 consecutive years may, with the approval of the Secretary of State, may act as the accompanying operator.
26. It authorizes the Secretary of State to approve hands-on motorcycle rider courses for the issuance of endorsements to operate motorcycles.
27. It clarifies that the conditional driver's license provisions apply to residents and nonresidents convicted of operating under the influence in Maine.
28. It clarifies that the excise tax on trucks and truck tractors is based on the purchase price of the vehicle.

Transportation

PUBLIC 681 An Act to Create the Transit Bonus Payment Program

LD 507

Sponsor(s) MARLEY	Committee Report OTP-AM	Amendments Adopted H-780
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Public Law 2001, chapter 681 establishes a transit bonus payment program within the Department of Transportation. The program allows municipalities that increase qualifying expenditures for transit to apply to the department for a transit bonus to the municipality's Urban-Rural Initiative Program payment. Funds must be used for eligible purposes under the Urban-Rural Initiative Program.

PUBLIC 687 An Act to Amend the Motor Vehicle Laws

LD 2018

Sponsor(s) FISHER	Committee Report OTP-AM	Amendments Adopted H-1032 S-593 GOLDTHWAIT
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Public Law 2001, chapter 687 amends the motor vehicle laws as follows.

1. It corrects a conflict between 2 sections to clarify that a person operating a tractor or trailer used solely for farming purposes does not need an operator's license on a public way between farm lots.
2. It clarifies existing language regarding weighing points so that a sign directing a commercial motor vehicle operator to stop for weighing can be placed on a public way intersecting the way where the weighing point is located.
3. It defines an "electric personal assistive mobility device," also known as a Segway, and creates provisions governing its operation.
4. It authorizes the Commissioner of Transportation to undertake a 2-year pilot project that provides specified exemptions from specified truck weight requirements for 4-axle trucks hauling certain commodities. It also requires the commissioner and an advisory committee to meet with the Joint Standing Committee on Transportation during one of that committee's regularly scheduled meetings during the 2002 legislative interim to update the committee on matters pertaining to truck weight laws.
5. It clarifies that a person whose license was suspended for medical reasons within the past 2 consecutive years may, with the approval of the Secretary of State, act as an accompanying operator.

Transportation

PUBLIC 688 An Act to Promote the Fiscal Sustainability of the Highway Fund LD 2020

Sponsor(s)	Committee Report	Amendments Adopted
FISHER	OTP-AM MAJ	H-1042
GAGNON	OTP-AM MIN	

Public Law 2001, chapter 688 promotes the fiscal sustainability of the Highway Fund by annually indexing motor fuel taxes to reflect inflation, with the new rates taking effect each July 1st. The index is retroactive to 1999. The law also requires the Department of Transportation to submit a bill to the Legislature that repeals any forthcoming adjustment in fuel tax rates for each biennium.

PUBLIC 689 An Act to Modernize the Procurement Practices at the Department of Transportation LD 1984

Sponsor(s)	Committee Report	Amendments Adopted
FISHER	OTP-AM	H-798
SAVAGE C		

Public Law 2001, chapter 689 updates the procurement practices of the Department of Transportation by allowing for the posting of advertisements for bids on construction contracts on the Internet, instead of requiring the expense of legal notices in newspapers.

P & S 55 An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2003 LD 2047

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-450

Private and Special Law 2001, chapter 55 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2003 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

RESOLVE 78 Resolve, to Direct the Department of Transportation to Submit Proposed Legislation Permitting Limited Application of Canadian Highway Weight Standards LD 521

Sponsor(s)	Committee Report	Amendments Adopted
MORRISON	OTP-AM MAJ	H-808
SHOREY	ONTP MIN	

Transportation

Resolve 2001, chapter 78 directs the Department of Transportation to submit proposed legislation to the Joint Standing Committee on Transportation in the next regular legislative session after the department has determined the location of a 3rd bridge in Washington County connecting Maine with New Brunswick, Canada. This legislation must include provisions to allow Canadian weight standards on Route 1 from the bridge to the junction of Route 1 and Route 9 in Baileyville.

RESOLVE 120	Resolve, to Establish and Fund the Task Force on Rail	LD 2214
EMERGENCY	Transportation	

Sponsor(s)	Committee Report	Amendments Adopted

Resolve 2001, chapter 120 establishes and funds the Task Force on Rail Transportation. The task force is comprised of legislators and non-legislators with rail interests. The duties of the task force are to evaluate current transportation policies and plans, develop an integrated statewide rail transportation policy and plan, and develop steps to implement this policy and plan. The task force will identify State budgetary strategies to assist railroads confronted with significant financial problems. The task force will also create a plan for educating the Legislature and the public on these policies and plans. The State's Railroad Preservation and Assistance Fund will fund the task force.

Resolve 2001, chapter 120 was finally passed as an emergency measure effective April 11, 2002.

CON RES 1	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow for Loans to be Repaid With Federal Transportation Funds	LD 1907
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Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE C	OTP-AM	H-842 FISHER
FISHER		S-419

Constitutional Resolution 2001, chapter 1 proposes to amend the Constitution of Maine to allow the State to issue temporary debt to be repaid with federal transportation funds to facilitate the development of highways, bridges and other transportation projects. It limits the amount of short-term debt that can be issued under the proposed amendment to the Constitution of Maine to 50% of transportation funds that were appropriated by the Federal Government in the prior federal fiscal year.

PASSED	JOINT STUDY ORDER – Relative to the Task Force on Rail Transportation	HP 1727
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Sponsor(s)	Committee Report	Amendments Adopted

HP1727 authorized the Joint Standing Committee on Appropriations and Financial Affairs to report out legislation regarding a task force on rail transportation and provide funding for the task force. The Joint

Transportation

Standing Committee on Appropriations and Financial Affairs reported out LD 2214, which was enacted as Resolve 2001, chapter 120.

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PUBLIC 476 An Act to Facilitate More Effective Consumer Representation at the LD 1893
Office of the Public Advocate

Sponsor(s)	Committee Report	Amendments Adopted
FERGUSON	OTP MAJ	
	ONTP MIN	

Public Law 2001, chapter 476 authorizes the Public Advocate to substitute an economic analyst position for a vacant senior counsel position. Public Law 2002, chapter 476 also authorizes the Public Advocate to compensate a senior counsel at a higher salary range when the increase is necessary to provide competitive salary levels.

PUBLIC 488 An Act to Eliminate Unnecessary Filing Requirements for Water LD 1838
Utilities

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE W	OTP-AM	H-765

Public Law 2001, chapter 488 removes the requirement that a water utility that, as a result of the requirements of the federal Safe Drinking Water Act, will incur expenses in excess in excess of 50% of its annual operating revenue file with the Public Utilities Commission and with the Department of Human Services engineering estimates, all costs, and a justification of the construction project and of the utility's next best alternative. The law also removes the requirement that this information be made available for public review; it retains the requirement that the public be notified if such expenses will be incurred.

PUBLIC 528 An Act to Prepare Residential Electricity Customers for LD 2003
EMERGENCY Competitive Electricity Markets in Maine

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	OTP-AM	H-819
EDMONDS		

Public Law 2001, chapter 528 advances by 2 years the deadline for the Public Utilities Commission investigation of the value and continued necessity of standard-offer service in the State's competitive electricity markets. The bill also specifies certain matters that the commission must investigate with respect to the continuation of standard-offer service and requires the commission to make recommendations to the Utilities and Energy Committee on appropriate changes in the laws governing standard-offer service.

Public Law 2001, chapter 528 was enacted as an emergency and took effect on March 12, 2002.

Utilities and Energy

PUBLIC 577 An Act to Improve the Safety Provided by the Underground EMERGENCY Facilities Protection Law

LD 2024

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE W	OTP-AM	H-895

Public Law 2001, chapter 577 revises provisions of the law that govern the Dig Safe underground facilities protection program in the State by establishing alternative procedures for shoulder-grading activities that allow an exemption from current hand-dig requirements; exempting excavations in cemeteries if certain precautions are taken; eliminating the current exemption for highway sign work; requiring underground facility operators to mark gas and electric facilities known to the operators located within a public way; establishing procedures to identify and locate abandoned facilities; requiring, in the case of subcontracting or multiple excavators, the excavator responsible for the actual excavation to ascertain whether required notices have been given; exempting private landowners from the definition of underground facility operator; and repealing the provision requiring architects and designers to mark the location of underground facilities on their plans.

Public Law 2001, chapter 577 was enacted as an emergency measure effective March 28, 2002.

PUBLIC 608 An Act Regarding Utility Easements

LD 1973

Sponsor(s)	Committee Report	Amendments Adopted
HALL	OTP-AM	H-872

Public Law 2001, chapter 608 authorizes the Public Utilities Commission to allow a natural gas utility or a person maintaining or operating a telephone or electric line to acquire an easement to run a line across a railroad, including an abandoned railroad, and clarifies that the commission can not authorize a natural gas utility or a person maintaining or operating a telephone or electric line to acquire by eminent domain land owned by the State.

PUBLIC 624 An Act to Strengthen Energy Conservation EMERGENCY

LD 420

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE W	OTP-AM MAJ	H-961
FERGUSON	OTP-AM MIN	

Public Law 2001, chapter 624, removes the responsibility for developing and monitoring the implementation of energy conservation programs from the State Planning Office; removes responsibility for administering new conservation programs from transmission and distribution utilities; directs the Public Utilities Commission to develop and administer conservation programs funded through assessments on transmission and distribution utilities; establishes goals and guidelines for the commission in undertaking its responsibilities with respect to conservation programs; directs the commission to secure relevant expertise in carrying out its conservation-related responsibilities;

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allows the commission to use a portion of the funds collected for conservation programs for administrative costs of the commission in carrying out its responsibilities; requires the commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on funds raised and spent and activities taken with respect to conservation programs; authorizes transmission and distribution utilities to create transition benefit plans for employees who are laid off as a result of the transfer to the commission of the administration of conservation programs; in order to facilitate start-up of conservation programs, authorizes the commission to implement on a short-term basis, without satisfying all the procedural requirements of the new law, conservation programs that the commission finds to be cost effective; requires the commission to adjudicate contract disputes relating to the administration of existing conservation-related contracts by transmission and distribution utilities, establishes an arbitration process to settle such disputes, and establishes certain standards for contract interpretation by the commission and arbitrators in settling such disputes; requires the commission to report on the feasibility of assuming the administration of existing conservation-related contracts.

Public Law 2001, chapter 624 was enacted as an emergency measure effective April 5, 2002.

PUBLIC 629 An Act to Withdraw from the Texas Low-level Radioactive Waste LD 2171
EMERGENCY Disposal Compact

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE W	OTP-AM	H-1006
FERGUSON		

Public Law 2001, chapter 629 terminates the State's participation in an interstate compact with the states of Texas and Vermont for the disposal in Texas of low-level radioactive waste generated in the 3 states.

Public Law 2001, chapter 629 was enacted as an emergency measure effective on April 5, 2002.

PUBLIC 630 An Act to Establish the Energy Resources Council LD 646

Sponsor(s)	Committee Report	Amendments Adopted
MCKEE	OTP-AM	H-882
TREAT		

Public Law 2001, chapter 630 creates the Energy Advisory Council to facilitate more effective interagency coordination of the State's activities regarding energy issues. The Council is comprised of the Director of the State Planning Office, Chair of the Public Utilities Commission, Commissioner of Environmental Protection, the Public Advocate, Commissioner of Transportation, Commissioner of Administrative and Financial Services, Commissioner of Economic and Community Development and the Director of the Maine State Housing Authority.

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P & S 45
EMERGENCY

**An Act Relating to the Transfer to GNE, LLC of Certain Privileges
Bestowed by the Legislature upon Great Northern Paper, Inc.**

LD 2085

Sponsor(s)	Committee Report	Amendments Adopted
MICHAUD MH	OTP-AM MAJ	S-404
STANLEY	OTP-AM MIN	

Private and Special Law 2001, chapter 45 allows Great Northern Paper, Inc. and its successors to transfer to 3rd parties any or all charter rights related to Great Northern Paper, Inc.'s hydroelectric facilities and confirms Great Northern Paper, Inc.'s authority to sell power on the same basis as any other person engaged in the business of selling electricity and to clarify that the purchaser of Great Northern Paper, Inc.'s dams and hydroelectric and related facilities will have that authority. The law also requires notification and an opportunity to meet with the Governor and area Legislators, upon the occurrence of certain events that would affect the Katahdin region. The law requires certain payments to be made to the economic development body serving the Katahdin region if, during a defined 15-year period, certain new transmission lines are built and there is a paper mill closing. The law prohibits any agreement or understanding between the owner of the hydropower facilities and the owner of either paper mill under which the owner of a mill receives revenue from the sale of electricity from the hydropower facilities and there is a paper mill closing for the purpose of allowing or increasing the sale of the electricity from the hydropower facilities to any other purchaser or entity or into the wholesale electric market. The law repeals certain obsolete provisions of Private and Special Law relating to authorizations for certain entities to sell power or transmit energy from the hydropower facilities.

Private and Special Law 2001, chapter 45 was enacted as an emergency measure effective on January 28, 2002.

NOTE: LD 2083 (the "Errors Bill"), sections E-5 and E-6 as enacted (PL 2001, ch. 667) retroactively added new provisions to the Private and Special Law 2001, chapter 45. The new language exempts from Public Utilities Commission regulation the sale and transmission of electricity generated by the hydroelectric facilities formerly owned by Great Northern Paper, Inc. to any persons to which Great Northern Paper, Inc. formerly supplied or sold such electricity between July 1, 1997 and January 28, 2002 unless the commission determines that a person to whom the electricity is sold, provided or transmitted has reasonable access to the electrical grid of a regulated transmission and distribution utility or for any other reason finds that continuance of the exemption is not in the public interest.

P & S 47
EMERGENCY

An Act to Amend the Charter of the Corinna Sewer District

LD 1906

Sponsor(s)	Committee Report	Amendments Adopted
DAVIS P	OTP	
TOBIN J		

Private and Special Law 2001, chapter 47 amends the charter of the Corinna Sewer District by allowing the trustees discretion in setting the date for the annual meeting.

Private and Special Law 2001, chapter 47 was enacted as an emergency measure effective February 14, 2002.

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P & S 48
EMERGENCY

An Act to Amend the Charter of the Mount Blue Water District

LD 1857

Sponsor(s)
LAVERDIERE

Committee Report
OTP-AM

Amendments Adopted
H-773

Private and Special Law 2001, chapter 48 amends the charter of the Mt. Blue Standard Water District to allow a person who does not reside in the district to be a trustee if the person is a customer of the district; to allow the trustees to propose the compensation of the trustees and the treasurer, but makes the proposal subject to approval by the voters of the district; and, retroactive to the effective date of the law creating the district, to allow the trustees to hire a treasurer who is not a trustee of the district. All these provisions are subject to referendum approval within the district.

Private and Special Law 2001, chapter 48 was enacted as an emergency measure effective March 21, 2002, subject to referendum approval.

P & S 49
EMERGENCY

An Act to Amend the Charter of the Winterport Sewerage District

LD 1862

Sponsor(s)
BROOKS

Committee Report
OTP-AM

Amendments Adopted
H-761
H-769 BROOKS

Private and Special Law 2001, chapter 49 amends the Charter of the Winterport Sewerage District to increase the debt limit of the Winterport Sewerage District from \$400,000 to \$1,200,000, subject to approval by local referendum, and to permit the district to increase its debt limit in the future through a referendum process. Private and Special Law 2001, chapter 49 recognizes that the Town of Winterport held a town meeting prior to enactment of this law at which the question whether the debt limit of the Winterport Sewerage District should be increased was voted and approved; the law provides that if due certificate of that vote is filed with the Secretary of State, the authority to increase in debt limit takes effect without the necessity of further referendum approval.

Private and Special Law 2001, chapter 49 was enacted as an emergency measure effective February 21, 2002.

P & S 51
EMERGENCY

**An Act Authorizing the Town of Waldoboro to Refinance Certain
Temporary Bond Anticipation Notes Issued for its Water Project**

LD 1845

Sponsor(s)
TRAHAN

Committee Report
OTP-AM

Amendments Adopted
H-772
H-810 SAVAGE W

Private and Special Law 2001, chapter 51 extends the period for temporary financing for the Town of Waldoboro's water project to 6 years.

Private and Special Law 2001, chapter 51 was enacted as an emergency measure effective March 6, 2002.

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P & S 56 **An Act to Amend the Charter of the Portland Water District for the** **LD 2073**
EMERGENCY **Purpose of Redistricting Trustee Representation to Reflect 2000**
 Census Data

Sponsor(s) MCLAUGHLIN PENDLETON	Committee Report OTP-AM	Amendments Adopted H-818
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Private and Special Law 2001, chapter 56 amends the charter of the Portland Water District to reapportion the 11 trustees among the 10 member communities based on 2000 census data. The reapportionment will be phased in as the terms of current trustees expire beginning in November 2002.

Private and Special Law 2001, chapter 56 was enacted as an emergency measure effective March 21, 2002.

P & S 65 **An Act to Amend the Charter of the Corinna Water District to** **LD 2159**
EMERGENCY **Allow for the Appointment of Trustees**

Sponsor(s)	Committee Report	Amendments Adopted
DAVIS P	OTP-AM	S-474
TOBIN J		

Private and Special Law 2001, chapter 65 amends the charter of the Corinna Water District to provide that its trustees are to be appointed by the municipal officers of the Town of Corinna. This law provides that the new trustees of the Corinna Water District are to be appointed within 3 months of the effective date of the legislation. The law retroactively extends the terms of existing trustees until their successors are appointed and retroactively removes the requirement created by Private and Special Law 2001, chapter 13 that the trustees be residents of the district.

Private and Special Law 2001, chapter 65 was enacted as an emergency measure effective April 2, 2002.

P & S 66 **An Act Providing for the Supply of Water to the City of Brewer** **LD 2147**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
YOUNGBLOOD	OTP-AM	S-498
LEDWIN		S-510 YOUNGBLOOD

Private and Special Law 2001, chapter 66 authorizes the City of Brewer to hold a referendum on the dissolution of the Brewer Water District and the transfer of the district's assets to the city; upon approval of the referendum, and approval of a majority of the City Council of Brewer and a majority of the trustees of the district, requires the transfer of the assets and obligations of the water district to the city; upon the transfer of the assets and obligations of the water district to the city, grants to the city authority, now possessed by the district, to take water from water sources outside the city, to serve

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customers outside the city, to lay pipe and exercise eminent domain outside the city and to adopt rules to protect Hatcase Pond, which is located in the Town of Dedham and the Town of Eddington; and requires the Public Utilities Commission, at the request of the city, to examine employment contracts of the district and authorizes the commission to void a contract if the commission finds the contract was an unreasonable act of the district.

Private and Special Law 2001, chapter 66 was enacted as an emergency measure effective April 4, 2002.

P & S 68 **An Act to Amend the Charter of the Winterport Water District** **LD 2207**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
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Private and Special Law 2001, chapter 68 increases the debt limit of the Winterport Water District to \$1,200,000, subject to approval in a local referendum; and permits the district to increase its debt limit in the future through a referendum process.

Private and Special Law 2001, chapter 68 was enacted as an emergency measure effective April 8, 2002.

RESOLVE 81 **Resolve, Regarding Participation in Regional Transmission** **LD 1995**
EMERGENCY **Organization**

Sponsor(s)	Committee Report	Amendments Adopted
GOODWIN	OTP-AM	H-838

Resolve 2001, chapter 81 requires the Public Utilities Commission to conduct a study of the advantages and disadvantages of the State's transmission and distribution utilities' participation in a regional transmission organization that includes northern Maine and Canada.

Resolve 2001, chapter 81 was finally passed as an emergency measure effective March 14, 2002.

RESOLVE 83 **Resolve, Regarding Legislative Review of Portions of Chapter 395 -** **LD 2107**
EMERGENCY **Construction Standards and Ownership and Cost Allocation Rules**
 for Electric Distribution Line Extensions, a Major Substantive Rule
 of the Public Utilities Commission

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-894

Resolve 2001, chapter 83 authorizes final adoption of portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a major substantive rule of the Public Utilities Commission, provided certain enumerated changes are made to the rule.

Resolve 2001, chapter 83 was finally passed as an emergency measure March 21, 2002

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